



CITY COUNCIL MEETING PACKET

FOR

Tuesday, July 20, 2021

**Sherwood City Hall
22560 SW Pine Street
Sherwood, Oregon**

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting



6:00 PM WORK SESSION

- 1. Residential Design Standards Code Update**
(Erika Palmer, Planning Manager)
- 2. Regulation of Signs**
(Erika Palmer, Planning Manager)

7:00 PM REGULAR SESSION

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. CONSENT AGENDA**
 - A. Approval of June 15, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - B. Approval of June 21, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - C. Approval of June 22, 2021 City Council Meeting Minutes** (Sylvia Murphy, City Recorder)
 - D. Resolution 2021-056, Reappointing Randy Mifflin to the Sherwood Library Advisory Board**
(Adrienne Doman-Calkins, Library Manager)
 - E. Resolution 2021-057, Approving Hiring in Certain Positions by the City Manager Pro Tem**
(Christina Jones, Human Resource Manager)
 - F. Resolution 2021-058, Appointing David Scheirman to the Parks and Recreation Advisory Board** (Kristen Switzer, City Manager Pro Tem)
 - G. Resolution 2021-059, Reappointing Steve Munsterman to the Parks and Recreation Advisory Board** (Kristen Switzer, City Manager Pro Tem)
 - H. Resolution 2021-060, Appointing Gena Fuaga to the Sherwood Cultural Arts Commission**
(Chanda Hall, Arts Center Manager)
 - I. Resolution 2021-061, Appointing Katie Gurney-Kearsley to the Sherwood Cultural Arts Commission** (Chanda Hall, Arts Center Manager)
 - J. Resolution 2021-062, Authorizing the City Manager Pro Tem to Sign an Amendment to the Construction Excise Tax Collection Intergovernmental Agreement**
(Kristen Switzer, City Manager Pro Tem)

AGENDA

SHERWOOD CITY COUNCIL July 20, 2021

6:00 pm City Council Work Session

7:00 pm City Council Regular Meeting

**Sherwood City Hall
22560 SW Pine Street
Sherwood, OR**

- K. Resolution 2021-063, Authorizing the City Manager Pro Tem to sign Right-Of-Way and Public Utility Easement Donation Agreement and Dedication Deeds to the benefit of Washington County for the Construction of the SW Roy Rogers Road Improvements**
(Craig Christensen, Civil Engineer)

6. CITIZEN COMMENTS

7. PRESENTATIONS

- A. Recognition of Eagle Scout Award Recipient** (Mayor Mays)
B. Recognition of 2021 Robin Hood Festival Maid Marian Court (Mayor Mays)

8. PUBLIC HEARINGS

- A. Ordinance 2021-007, Vacating City right-of-way located along the east side of SW Park Row Avenue and south to SW Willamette Street** (*First Hearing*) (Bob Galati, City Engineer)

9. CITY MANAGER REPORT

10. COUNCIL ANNOUNCEMENTS

11. ADJOURN

How to Find out What's on the Council Schedule: City Council meeting materials and agenda are posted to the City web page at www.sherwoodoregon.gov, generally by the Thursday prior to a Council meeting. When possible, Council agendas are also posted at the Sherwood Library/City Hall and the Sherwood Post Office.

To Schedule a Presentation to the Council: If you would like to schedule a presentation to the City Council, please submit your name, phone number, the subject of your presentation and the date you wish to appear to the City Recorder, 503-625-4246 or MurphyS@sherwoodoregon.gov. If you require an ADA accommodation for this public meeting, please contact the City Recorder's Office at (503) 625-4246 or MurphyS@sherwoodoregon.gov at least 48 hours in advance of the scheduled meeting time.



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at

<https://www.youtube.com/user/CityofSherwood>

June 15, 2021

REGULAR SESSION

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 7:11 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Sean Garland, Renee Brouse, and Russell Griffin. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Community Development Director Julia Hajduk, Police Chief Jeff Groth, Finance Director David Bodway, Public Works Director Craig Sheldon, Human Resources Manager Christina Jones, City Engineer Bob Galati, Library Manager Adrienne Doman Calkins, Police Captain Ty Hanlon, and City Recorder Sylvia Murphy.

4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR YOUNG TO APPROVE THE AGENDA. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

5. **CONSENT AGENDA:**

- A. **Approval of May 27, 2021 City Council Meeting Minutes**
- B. **Approval of June 1, 2021 City Council Meeting Minutes**
- C. **Resolution 2021-032 Approving the City Investment Policy and Authorizing Investments**
- D. **Resolution 2021-033 Authorizing the City Manager Pro Tem to enter into a Public Improvement Contract with Moore Excavation, Inc. for Construction of the Rock Creek Sanitary Sewer Trunk Line Upsizing Phase 1**
- E. **Resolution 2021-034 Authorizing City Manager Pro Tem to purchase a Vermeer Directional Drill and Trailer for Sherwood Broadband**
- F. **Resolution 2021-035 Authorizing the City Manager Pro Tem to sign a five-year Intergovernmental Agreement with Metro for the Solid Waste Community Enhancement Program**

- G. Resolution 2021-036 Certifying the Provision of Certain Municipal Services in Order to Qualify the City to Receive State Revenues**
- H. Resolution 2021-038 Approving hiring in certain positions by the City Manager Pro Tem**

MOTION: FROM COUNCILOR GRIFFIN TO ADOPT THE CONSENT AGENDA. SECONDED BY COUNCILOR YOUNG. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item.

6. CITIZEN COMMENTS:

No citizen comments had been submitted and Mayor Mays addressed the next agenda item.

7. NEW BUSINESS:

A. Resolution 2021-037 Adopting the Capital Improvement Plan (CIP) for FY2021-22

Community Development Director Julia Hajduk explained that this resolution was a team effort between Community Development, Public Works, and Finance. She explained that the one-year CIP projects list were the projects that would be funded next year, pending budget approval. The five-year CIP list identified what city projects the city wanted to accomplish in the next five years. She stated that the proposed resolution included both the one-year CIP project list as well as the five-year CIP project list and included the projects that were incorporated into the city's various master plans. Mayor Mays stated that Council had reviewed the CIP multiple times every year. Mayor Mays asked for discussion or questions from Council on the proposed resolution. With no comments, the following motion was stated.

MOTION: FROM COUNCILOR YOUNG TO ADOPT RESOLUTION 2021-037 ADOPTING THE CAPITAL IMPROVEMENT PLAN (CIP) FOR FY2021-22. SECONDED BY COUNCILOR GRIFFIN. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays addressed the next agenda item. The City Recorder read the public hearing statement for all five public hearings. The City Recorder reported that no public testimony had been received for any of the public hearing items.

8. PUBLIC HEARINGS:

A. Resolution 2021-039 Adopting hiring standards, criteria, and policy directives for the City Manager position

City Attorney Josh Soper recapped that the city was currently in the process of recruiting a new city manager, and under Oregon law, in order to be able to conduct parts of the recruitment process in executive sessions (e.g. interviewing candidates or discussing council preferences regarding candidates they had interviewed or received applications from), it was necessary for Council to first adopt hiring standards criteria and policy directives for the hiring process. He explained that the standards criteria and policy directives were largely taken from the position profile that was developed by the City's recruiter and had already been advertised. He reported that there had been the addition of authorizing the City Manager

Pro Tem to be able to reimburse candidates for expenses for traveling to an interview. Mayor Mays asked for discussion or questions from Council. With no comments, the following motion was stated.

MOTION: FROM COUNCILOR BROUSE TO ADOPT RESOLUTION 2021-039 ADOPTING HIRING STANDARDS, CRITERIA, AND POLICY DIRECTIVES FOR THE CITY MANAGER POSITION. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

B. Resolution 2021-040 Adopting a Supplemental Budget for FY2020-21 and making appropriations

Finance Director David Bodway presented the "Supplemental Budget" PowerPoint presentation (see record, Exhibit A) and provided background on Oregon and local budget law. He stated that supplemental budgets were common and authorized by Oregon State Law to account for unforeseen financial needs or for new revenue sources. He explained that the city typically completed one mid-year adjustment and another adjustment near the end of the year. He reported that this year's adjustment amount was large enough to necessitate a public hearing. He reviewed the proposed changes to the General Fund. General Fund changes included accounting for the additional CARES money the City had received through Washington County, additional expenditures included an IGA with Washington County for the community Psyche grant program and city manager recruitment. He explained that two-thirds of the city manager recruitment expenditure would occur this fiscal year and the remaining recruitment expenditure was budgeted for the next fiscal year. He reported there were additional costs for software subscriptions, costs associated with remote work, and the creation of the new 2021 Sherwood URA. He reported that roughly \$1.1 million would go into the City's reserves for future years. The General Construction Fund included an additional \$1.4 million associated with the Cedar Creek Trail Project with funds coming from the Street Capital Fund to cover the costs. The Street Capital Fund had an additional \$110,000 transferred in from Street Operations. He explained that some of the capital projects moved more quickly than others, which required the City to use some of the reserve for future years for the projects. Council President Rosener asked if the negative \$2 million was the balance or the amount that was moved out of the fund? Mr. Bodway replied that typically in a budget there were revenues, expenditures, and reserves for future years amounts and explained that there was roughly \$5-6 million reserved for future years and the City was reducing that reserve for future years by that amount. He explained that the way Oregon budget law worked was that there were only certain funds that a city could budget for contingency and because this was a Capital Project Fund it did not allow the city to budget for any kind of contingency. He explained the City was allowed to remove that fund balance or reserve for future years. He stated an additional \$110,000 was transferred into the Street Operations Fund and that the Street Operations Fund had contingency and no reserves for future years were used. Mr. Bodway recapped the Storm Fund and explained that last year the City budgeted all of the capital projects under the Capital-side of the Storm Fund when in actuality some of the projects were a part of the Operations-side of the fund, but this year the projects were budgeted under their appropriate headings. For the Water Fund he explained that the city had completed a debt refinance transaction in February 2021 which would save the Water Fund roughly \$3 million over the remaining life of the loan. He explained that the City had to account for the first initial payment after the new debt refinance on June 1st and explained that the figure on page 6 of the presentation was the cost of principal and interest for that June 1st payment. Mayor Mays asked for discussion or questions from Council on the proposed resolution. With no comments, the following motion was stated.

MOTION: FROM COUNCILOR GRIFFIN TO ADOPT RESOLUTION 2021-040 ADOPTING A SUPPLEMENTAL BUDGET FOR FY2020-21 AND MAKING APPROPRIATIONS. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

C. Resolution 2021-041 Adopting a Schedule of Fees as authorized by the city zoning and community development code, establishing fees for miscellaneous city services and establishing an effective date

Mayor Mays commented that he would ask that Council continue the hearing on the proposed resolution to Monday, June 21st after they received the report because of an adjustment Council needed to make on a short list of fees after Finance Director Bodway provided an overview. Finance Director David Bodway explained that each year during the budget process, Finance asked department supervisors to review the fees that they charge. He stated the proposed fees fell into four categories. He provided examples of some of the changes to the Fee Schedule such as a reduction for business license fees for new small businesses headquartered in Sherwood or manufacturing technology businesses. He reported that library fines and fees were removed. In planning and residential design there were additional fees added for residential design checklist. In the building section there was a fee increase for total valuation for single-family and two-family dwellings, manufactured dwelling installation permits, increases for the home setup and installation fees, and total valuation for commercial industrial and multi-family among others. He reported that the fees were included in the proposed FY21-22 budget and stated that there were no additional financial impacts of the proposed resolution. Councilor Young asked Mayor Mays why he wanted Council to wait to vote on this resolution? Mayor Mays explained that there was a short list of fees that were regulated by the charter, and since that charter change occurred, the annual inflation rate has exceeded that limitation, but the City had kept it to the 2% limit, and this year was the first year that it came in under that limit. He commented it was best to stick with the 2% to make up a little bit of what the City had lost or got behind on from prior years. Finance Director Bodway provided background and reported that in 2019 the CPI index was 2.8%, in 2018 and 2017 it was 3.1%. Councilor Garland asked if waiting to vote on the proposed resolution would have an impact on approving the budget at this meeting? Mayor Mays replied that delaying voting on this resolution would not impact voting on the proposed budget at this meeting as long as everything was accomplished by the end of June. The following motion was stated:

MOTION: FROM MAYOR MAYS TO CONTINUE THE PUBLIC HEARING ON RESOLUTION 2021-041 ADOPTING A SCHEDULE OF FEES AS AUTHORIZED BY THE CITY ZONING AND COMMUNITY DEVELOPMENT CODE, ESTABLISHING FEES FOR MISCELLANEOUS CITY SERVICES AND ESTABLISHING AN EFFECTIVE DATE, TO JUNE 21, 2021. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays closed the public hearing for Resolutions 2021-039 and 2021-040.

D. Resolution 2021-042 Declaring the City's Election to receive State Shared Revenues

Finance Director Bodway presented the "State Shared Revenue Public Hearing" PowerPoint presentation (see record, Exhibit B) and explained that the City was required to hold two public hearings for this resolution in order to obtain and receive State Shared Revenues per state-law. He stated that the first

hearing was held on May 27th during the final Budget Committee meeting. He explained that the State Shared Revenue Sherwood received was allocated based on Sherwood's population of 19,885 residents as of December 15, 2020. He reported that the revenue fell into the intergovernmental revenue of the General Fund and the intergovernmental revenues of the Street Operations Fund. He provided an overview of the various State Shared Revenue's on pages 3-5 of the presentation. He recapped what the State Shared Revenue funds could be used for on page 6. Councilor Young clarified that the State Shared Revenue of the marijuana funds was not restricted, only the local was restricted. Mr. Bodway replied that was correct. Mayor Mays closed the public hearing portion and asked for discussion or questions from Council. Councilor Garland asked if the amount the City received from the marijuana taxes in the first year was \$265,000? Mr. Bodway reported that he was required to combine the marijuana tax revenue with the other state Shared Revenues because there was a local operator. He explained that there was the local tax portion as well as the money the City was receiving through the state, so for the current fiscal year, Measure 110 was only supposed to affect the last quarter of this fiscal year and he was projecting in totality around \$65-70,000. He commented that the marijuana revenue would decrease significantly for the upcoming fiscal year due to Measure 110 and commented that the City was expecting roughly \$25-30,000. Councilor Garland asked if that would affect the local amount? Mr. Bodway replied that it did not affect the local amount, only the State Shared portion was capped at a specific amount. No comments from Council were received and the following motion was stated.

MOTION: FROM COUNCILOR GRIFFIN TO ADOPT RESOLUTION 2021-042 DECLARING THE CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

E. Resolution 2021-043 Adopting the FY2021-22 budget of the City of Sherwood, making appropriations, imposing and categorizing taxes, and authorizing the City Manager to take such action necessary to carry out the adopted budget

Finance Director Bodway referred to the table on page 432 of the City Council meeting packet and explained that the final Budget Committee meeting was held on May 27th where they voted on the proposed budget. He reported that several changes had been made by the Budget Committee. The Budget Committee increased the intergovernmental revenue in the Sanitary Fund by \$1.95 million and explained that that figure was the reimbursement the City was receiving from Clean Water Services for the Rock Creek Trunk Project. He reported that in the General Fund, salaries were decreased because there were requests for positions for the library and the Budget Committee wished to see what the future of the intergovernmental agreement and library cooperative would look like, so the positions were removed from the budget. He reported there was language clean up in the Capital Improvement Plan. He explained that the budget was now ready to be voted on by the Council and formally adopted. He stated this was the final opportunity for citizens to provide public comment on the proposed budget and noted that no public comments had been submitted. Mr. Bodway thanked the Budget Committee and Finance staff for their hard work on the proposed budget. With no comments or questions, the following motion was stated.

MOTION: FROM COUNCIL PRESIDENT ROSENER TO ADOPT RESOLUTION 2021-043 ADOPTING THE FY2021-22 BUDGET OF THE CITY OF SHERWOOD, MAKING APPROPRIATIONS, IMPOSING AND CATEGORIZING TAXES, AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION NECESSARY TO CARRY OUT THE ADOPTED BUDGET. SECONDED BY COUNCILOR GRIFFIN.

MOTION PASSED 5:1, MAYOR MAYS, COUNCIL PRESIDENT ROSENER, COUNCILORS GARLAND, YOUNG, AND GRIFFIN VOTED IN FAVOR. COUNCILOR BROUSE OPPOSED, (COUNCILOR SCOTT WAS ABSENT).

Mayor Mays gave his kudos to City staff and the Budget Committee for their work on putting the budget together during a pandemic.

Mayor Mays addressed the next agenda item.

9. CITY MANAGER REPORT:

City Manager Pro Tem Kristen Switzer provided a status update on the city manager recruitment process and explained that the recruitment period closed on June 14th and reported that the recruiter had received 34 applications from 13 different states.

Councilor Griffin asked if the June 22nd meeting would be virtual or in-person? Mayor Mays replied that the meeting would be in-person. Councilor Brouse asked regarding the meeting start times for both upcoming meetings. City Manager Pro Tem Switzer replied both meetings would start at 6:00 pm.

Mayor Mays addressed the next agenda item.

10. COUNCIL ANNOUNCEMENTS:

Councilor Garland commented regarding his children attending Archer Glen and gave his kudos and thanks to the teachers and administration at Archer Glen.

Councilor Brouse reported that both the Senior Center and the Library Advisory Board were continuing to open their facilities safely for their clients in order to serve the community. She encouraged people to visit the new Sherwood business "Meadowlark Mercantile."

Councilor Griffin reported on his attendance at the Parks and Recreation Advisory Board meeting where they discussed pickleball in Sherwood and announced that the Parks and Recreation Advisory Board had a vacancy.

Councilor Young reported on her attendance of the Washington County CDBG Policy Advisory Board meeting and explained in January they had allocated \$200,000 of CARES spending towards a shower trailer and announced they had opened the application process and received one application. She reported that the board was currently reviewing and scoring that application. She explained the applicant proposed to purchase two-based shower stalls which will move around the county for people to use who do not have access to shower facilities. She reported that the YMCA facility had fully reopened, with no mask requirements for fully vaccinated individuals. She recapped YMCA summer programs.

Council President Rosener attended the WRWC meeting where they heard project updates. He gave his kudos to Washington County for leading the state in percentage of people who are at least partially vaccinated. He encouraged residents to get their COVID vaccines.

Mayor Mays reported that Sherwood would host the board of the League of Oregon Cities on June 18th at the Arts Center. He reported that past president of the LOC, the Mayor of Maupin, Dennis Ross had passed away. He attended the WCCC meeting where they discussed a potential future MSTIP program and a review of the bylaws.

11. ADJOURN:

Mayor Mays adjourned the regular session at 8:01 pm and convened an executive session.

EXECUTIVE SESSION

- 1. CALL TO ORDER:** Mayor Mays called the executive session to order at 8:03 pm.
- 2. COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Kim Young, Sean Garland, Renee Brouse, and Russell Griffin.
- 3. STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, IT Director Brad Crawford, Finance Director David Bodway, and Public Works Director Craig Sheldon.

OTHERS PRESENT: John Honker and Ross Schultz.

4. TOPICS

A. ORS 192.660(2)(f), Exempt Public Records

5. ADJOURN:

Mayor Mays adjourned the executive session at 9:32 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

Pursuant to House Bill 4212 (2020), this meeting will be conducted electronically and will be live streamed at <https://www.youtube.com/user/CityofSherwood>

June 21, 2021

SPECIAL MEETING

1. **CALL TO ORDER:** Mayor Mays called the meeting to order at 6:04 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Kim Young, Sean Garland, Renee Brouse and Russell Griffin. Councilor Doug Scott was absent.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, Public Works Director Craig Sheldon, Police Chief Jeff Groth, Senior IT Analyst Andrew Thomas, Finance Director David Bodway, and City Recorder Sylvia Murphy.
4. **APPROVAL OF AGENDA:**

MOTION: FROM COUNCILOR GRIFFIN TO APPROVE THE AGENDA. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

5. CONSENT AGENDA

- A. Resolution 2021-028, Authorizing Full Faith and Credit Financing
- B. Resolution 2021-044, Authorizing the City Manager Pro Tem to Enter into an Intergovernmental Agreement with the City of Wilsonville for Construction and Funding of a Water Treatment Plant Expansion/Improvement Project
- C. Resolution 2021-045 Reappointing Brian Amer to the Parks and Recreation Advisory Board
- D. Resolution 2021-046 Reappointing John Clifford to the Parks and Recreation Advisory Board
- E. Resolution 2021-047 Reappointing Joy Kuczer to the Parks and Recreation Advisory Board
- F. Resolution 2021-048 Reappointing Erin Odom to the Senior Advisory Board
- G. Resolution 2021-049 Reappointing Nancy Phillips to the Senior Advisory Board
- H. Resolution 2021-050 Reappointing Chris West to the Sherwood Police Advisory Board
- I. Resolution 2021-051 Reappointing Diane Foster to the Sherwood Police Advisory
- J. Resolution 2021-052 Reappointing Laurie Zwingli to the Sherwood Police Advisory Board
- K. Resolution 2021-053 Reappointing Megan Thornton to the Sherwood Police Advisory Board
- L. Resolution 2021-054 Reappointing Daniel Bantz to the Planning Commission
- M. Resolution 2021-055 Reappointing Jean Simson to the Planning Commission

MOTION: FROM COUNCILOR BROUSE TO APPROVE THE CONSENT AGENDA. SECONDED BY COUNCIL PRESIDENT ROSENER. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

6. PUBLIC HEARING

A. Resolution 2021-041 Adopting a Schedule of Fees as authorized by the City Zoning and Community Development Code, establishing fees for miscellaneous City Services and establishing an effective date

The City Recorder read the public hearing statement and reported that no public comments had been submitted.

Finance Director David Bodway explained that this hearing was a continuation from the June 15th Council meeting regarding the fee schedule. He reported that Council had suggested that the CPI be increased from 1.5% to 2%. He explained that every item highlighted in green in the agenda packet had since been increased to the recommended 2%. Mr. Bodway explained that these fees were reviewed yearly during the budget process in order to determine if there needed to be any fee increases to keep up with inflation. Councilor Griffin asked Mr. Bodway to explain what the different font colors meant in the document. Mr. Bodway explained that green meant that there was a rate increase from the prior year (2% CPI) as per Resolution 2017-008, purple meant that there had been a rate increase from the prior year rate (ENR 4.01%, CPI-W 2.4%) per Resolution 2018-049, blue meant that it had been changed from the prior year, and the yellow highlight meant "other." Councilor Young clarified that the CPI for this year was only 1.5%, but the City had the allowance where it could raise the CPI to 2% per a previous ballot measure that was now a part of the City Charter. Mr. Bodway replied that was correct and added that there had been years when the CPI was more than 2%, but the City did not charge more than 2%, which caused the City to fall behind, and this would allow the City to help recover from prior fiscal years. Mayor Mays closed the public hearing portion and asked for discussion or a motion.

MOTION: FROM COUNCILOR YOUNG TO APPROVE RESOLUTION 2021-041 ADOPTING A SCHEDULE OF FEES AS AUTHORIZED BY THE CITY ZONING AND COMMUNITY DEVELOPMENT CODE, ESTABLISHING FEES FOR MISCELLANEOUS CITY SERVICES AND ESTABLISHING AN EFFECTIVE DATE. SECONDED BY COUNCILOR BROUSE. MOTION PASSED 6:0, ALL PRESENT MEMBERS VOTED IN FAVOR (COUNCILOR SCOTT WAS ABSENT).

7. ADJOURN

Mayor Mays adjourned the meeting at 6:12 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor



SHERWOOD CITY COUNCIL MEETING MINUTES

22560 SW Pine St., Sherwood, Or

June 22, 2021

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Mays called the executive session to order at 6:03 pm.
2. **COUNCIL PRESENT:** Mayor Keith Mays, Council President Tim Rosener, Councilors Doug Scott, Renee Brouse, Kim Young, Sean Garland, and Russell Griffin.
3. **STAFF PRESENT:** City Manager Pro Tem Kristen Switzer, City Attorney Josh Soper, Human Resources Manager Christina Jones (left 8:32 pm), and consultant Lynn Barboza (left 8:32 pm).
4. **TOPICS**
 - A. **ORS 192.660(2)(a) Employment of Public Officers.**
5. **ADJOURNED**

Mayor Mays adjourned the executive session at 8:49 pm.

Attest:

Sylvia Murphy, MMC, City Recorder

Keith Mays, Mayor

TO: Sherwood City Council

FROM: Adrienne Doman Calkins, Library Manager
Through: Kristen Switzer, City Manager Pro Tem

SUBJECT: Resolution 2021-056, Reappointing Randy Mifflin to the Sherwood Library Advisory Board

Issue:

Should the City Council reappoint Randy Mifflin to the Sherwood Library Advisory Board?

Background:

Randy Mifflin has served a full term on the Library Advisory Board in Position 2, most recently as Chair. His term expired in June, 2021. The City advertised this and another vacancy and received one application from Randy Mifflin for consideration of reappointment. The Council Liaison to the board Renee Brouse, Library Manager Adrienne Doman Calkins, and Vice Chair Jane Vankuren, unanimously recommended reappointment of Randy Mifflin to fill the vacancy. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2021-056, Reappointing Randy Mifflin to the Sherwood Library Advisory Board.



RESOLUTION 2021-056

REAPPOINTING RANDY MIFFLIN TO THE SHERWOOD LIBRARY ADVISORY BOARD

WHEREAS, a vacancy exists on the Library Advisory Board due to term expiration; and

WHEREAS, the term of office for this vacancy expires in June 2025; and

WHEREAS, the City advertised the vacancy on the City website, Sherwood Public Library website and social media; and

WHEREAS, Randy Mifflin applied to be reappointed without competition; and

WHEREAS, the interview panel considered the applicant and recommended to the Mayor that Randy Mifflin be reappointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to City Council that Randy Mifflin be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby reappoints Randy Mifflin to position 2 of the Sherwood Library Advisory Board for a term expiring at the end of June 2025.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Christina Jones, HR Manager

Through: Kristen Switzer, City Manager Pro Tem, and Josh Soper, City Attorney

SUBJECT: Resolution 2021-057, Approving Hiring in Certain Positions by the City Manager Pro Tem

Issue:

Shall the City Council approve the City Manager Pro Tem making appointments in specified positions?

Background:

Section 33 of the City Charter requires Council to appoint a City Manager Pro Tem when the position of City Manager becomes vacant. The City has appointed Kristen Switzer as the City Manager Pro Tem. Under the Charter, the City Manager Pro Tem has all of the authority and responsibilities of the City Manager except relative to the appointment and removal of City employees, which can only be done with Council approval.

There are vacant, budgeted positions that need to be filled that staff would like to hire in the next 60-90 days. Staff is therefore requesting approval of Council to hire the positions as listed in Exhibit A to this Resolution.

Financial Impacts:

There are no immediate financial impacts of approving hiring these positions as they are the replacement of existing staff and/or included in the FY 2021-22 budget.

Recommendation:

Staff respectfully recommends City Council adoption of Resolution 2021-057, Approving Hiring in Certain Positions by the City Manager Pro Tem.



RESOLUTION 2021-057

APPROVING HIRING IN CERTAIN POSITIONS BY THE CITY MANAGER PRO TEM

WHEREAS, Section 33 of the City Charter requires Council appoint a City Manager Pro Tem when the position of City Manager becomes vacant; and

WHEREAS, the City has appointed Kristen Switzer as City Manager Pro Tem; and

WHEREAS, under the Charter, Kristen Switzer, as City Manager Pro Tem, has all of the authority and responsibilities of the City Manager except relative to the appointment and removal of City employees, which can only be done with Council approval; and

WHEREAS, the Council has been informed that the City has a need to make appointments in certain positions to ensure the City's continuing municipal operations; and

WHEREAS, the Human Resources Manager, by and through the City Manager Pro Tem, has informed the Council that all appointments for which Council approval is sought are done consistent with the City's human resources policies and protocols.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council hereby approves the City Manager Pro Tem making appointments in the positions listed in the attached Exhibit A.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Exhibit A

Number of Positions	Position Title	Position Justification
1	Library Assistant I (Part-Time)	Anticipated Vacancy
1	Library Assistant II	Vacancy
1	Broadband Install Technician	New-In the FTTH plan and will be included in the mid-cycle budget amendment
1	Library Assistant I (On-Call)	Anticipated Vacancy

TO: Sherwood City Council

FROM: Kristen Switzer, City Manager Pro Tem

SUBJECT: Resolution 2021-058, Appointing David Scheirman to the Parks and Recreation Advisory Board

Issue:

Shall the City Council appoint David Scheirman to the Parks and Recreation Advisory Board?

Background:

There is a vacancy in position #7 of the Parks and Recreation Advisory Board. Eric Kneifel, who held the position #7 will be moving out of State.

David Schierman has applied to the Parks and Recreation Board. Chair Eric Kneifel, Council Liaison Russell Griffin, and Staff Liaison Kristen Switzer recommended to Mayor Mays that David Scheirman be appointed to the Board to fill position #7 which expires in June 2022.

Mayor Mays has recommended this appointment to Council. In accordance with Council Rules, all such appointments are subject to City Council's approval by resolution.

Note: Position numbers were established with the adoption of Resolution 2019-066 for the purpose of managing terms.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-058, Appointing David Scheirman to the Parks and Recreation Advisory Board.



RESOLUTION 2021-058

APPOINTING DAVID SCHEIRMAN TO THE PARKS AND RECREATION ADVISORY BOARD

WHEREAS, a vacancy exists within Position 7 on the Parks and Recreation Advisory Board; and

WHEREAS, David Scheirman has applied for appointment; and

WHEREAS, the Mayor has recommended to City Council that David Scheirman be appointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby appoints David Scheirman to Position 7 of the Parks and Recreation Advisory Board for a term expiring at the end of June 2022.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Kristen Switzer, City Manager Pro Tem

SUBJECT: Resolution 2021-059, Reappointing Steve Munsterman to the Parks and Recreation Advisory Board

Issue:

Shall the City Council reappoint Steve Munsterman to the Parks and Recreation Advisory Board?

Background:

Steve Munsterman held position #9 on the Parks and Recreation Advisory Board and his term expired in June 2021 and he is seeking reappointment.

Chair Eric Kneifel, Council Liaison Russell Griffin, and Staff Liaison Kristen Switzer recommended to Mayor Mays that Steve Munsterman be reappointed to the Board to fill position #9 which expires in June 2024. The Mayor has recommended this reappointment to City Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Note: Position numbers were established with the adoption of Resolution 2019-066 for the purpose of managing terms.

Financial Impacts:

There are no additional financial impacts as a result of approval of this resolution.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-059, Reappointing Steve Munsterman to the Parks and Recreation Advisory Board.



RESOLUTION 2021-059

REAPPOINTING STEVE MUNSTERMAN TO THE PARKS AND RECREATION ADVISORY BOARD

WHEREAS, a vacancy exists within Position 9 on the Parks and Recreation Advisory Board; and

WHEREAS, Steve Munsterman's term expired on June 30, 2021; and

WHEREAS, the Mayor has recommended to City Council that Steve Munsterman be reappointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby reappoints Steve Munsterman to Position 9 of the Parks and Recreation Advisory Board for a term expiring at the end of June 2024.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

TO: Sherwood City Council

FROM: Chanda Hall, Center for the Arts Manager
Through: Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

SUBJECT: Resolution 2021-060, Appointing Gena Fuaga to the Sherwood Cultural Arts Commission

Issue:

Should the Council appoint Gena Fuaga to the Sherwood Cultural Arts Commission?

Background:

A vacancy exists in Position 8 on the Cultural Arts Commission due to a term expiration. The term of office for this vacancy expires in June 2024. The City advertised the vacancy and received two applications. Gena Fuaga submitted an application for consideration of appointment. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2021-060, Appointing Gena Fuaga to the Sherwood Cultural Arts Commission.



RESOLUTION 2021-060

APPOINTING GENA FUAGA TO THE SHERWOOD CULTURAL ARTS COMMISSION

WHEREAS, a vacancy exists on the Cultural Arts Commission due to term expiration; and

WHEREAS, the term of office for this vacancy expires in June 2024; and

WHEREAS, the City advertised the vacancy on the City website, Center for the Arts website and social media; and

WHEREAS, Gena Fuaga applied to be appointed and was interviewed by the interview panel; and

WHEREAS, the interview panel considered all of the applicants and recommended to the Mayor that Gena Fuaga be appointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to Council that Gena Fuaga be appointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby appoints Gena Fuaga to position 8 of the Sherwood Cultural Arts Commission for a term expiring at the end of June 2024.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Chanda Hall, Center for the Arts Manager

Through: Kristen Switzer, City Manager Pro Tem and Josh Soper, City Attorney

SUBJECT: Resolution 2021-061, Appointing Katie Gurney-Kearsley to the Sherwood Cultural Arts Commission

Issue:

Should the Council appoint Katie Gurney-Kearsley to the Sherwood Cultural Arts Commission?

Background:

A vacancy exists in Position 6 on the Cultural Arts Commission due to term expiration. The term of office for this vacancy expires in June 2024. The City advertised the vacancy and received two applications. Katie Gurney-Kearsley submitted an application for consideration of appointment. The Mayor has recommended this appointment to Council. In accordance with City Council Rules of Procedure, all such appointments are subject to the approval of City Council by resolution.

Financial Impacts:

There are no financial impacts from this proposed action.

Recommendation:

Staff respectfully recommends City Council's adoption of Resolution 2021-061, Appointing Katie Gurney-Kearsley to the Sherwood Cultural Arts Commission.



RESOLUTION 2021-061

APPOINTING KATIE GURNEY-KEARSLEY TO THE SHERWOOD CULTURAL ARTS COMMISSION

WHEREAS, a vacancy exists on the Cultural Arts Commission due to term expiration; and

WHEREAS, the term of office for this vacancy expires in June 2024; and

WHEREAS, the City advertised the vacancy on the City website, Center for the Arts website and social media; and

WHEREAS, Katie Gurney-Kearsley applied to be appointed and was interviewed by the interview panel; and

WHEREAS, the interview panel considered all of the applicants and recommended to the Mayor that Katie Gurney-Kearsley be appointed to fill the vacancy; and

WHEREAS, the Mayor has recommended to Council that Katie Gurney-Kearsley be appointed; and

WHEREAS, in accordance with Council Rules of Procedure, all such appointments are subject to the approval of the City Council by resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The Sherwood City Council hereby appoints Katie Gurney-Kearsley to position 6 of the Sherwood Cultural Arts Commission for a term expiring at the end of June 2024.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

Agenda Item: Consent Agenda

TO: Sherwood City Council

FROM: Kristen Switzer, City Manager Pro Tem

Through: Josh Soper, City Attorney

SUBJECT: Resolution 2021-062, Authorizing the City Manager Pro Tem to Sign an Amendment to the Construction Excise Tax Collection Intergovernmental Agreement

Issue:

Shall the City Council authorize the City Manager Pro Tem to sign an amendment to the Construction Excise Tax Collection Intergovernmental Agreement with Metro?

Background:

Metro has imposed a construction excise tax on building permits since 2006. Funds from the tax are used for grants to local governments for comprehensive planning in the region.

The program initially was intended to sunset after \$6.3 million in taxes was collected. Metro subsequently changed this to a specified sunset date (first to September 30, 2014, then to December 31, 2020), and most recently, last year, Metro amended their code to eliminate the sunset provision entirely, making it a permanent program.

Metro has intergovernmental agreements (IGAs) with cities to collect the tax on their behalf and remit payments to Metro. These IGAs also have had sunset provisions that paralleled the above—initially based on a total dollar amount collected, then a specified date.

This Resolution would authorize the City Manager Pro Tem to execute an amendment to the City's IGA with Metro regarding collection of the construction excise tax to remove the expiration date clause and allow for continued collection. Obligations under the IGA would terminate upon either Metro's elimination of the construction excise tax program or 30 days after written notice to Metro from the City.

Financial Impacts:

The IGA permits the City to retain a 5% administrative fee for collecting the tax. In addition, the City is eligible to receive grants from the construction excise tax program.

Recommendation:

Staff respectfully recommends City Council approval of Resolution 2021-062, Authorizing the City Manager Pro Tem to sign an amendment to the construction excise tax collection intergovernmental agreement.



RESOLUTION 2021-062

**AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN AN AMENDMENT TO THE
CONSTRUCTION EXCISE TAX COLLECTION INTERGOVERNMENTAL AGREEMENT**

WHEREAS, the City and Metro are parties to an intergovernmental agreement relating to the City collecting Metro's construction excise tax on Metro's behalf; and

WHEREAS, Metro recently amended its code to eliminate the sunset date in the construction excise tax program, and it is therefore necessary to amend the intergovernmental agreement between the City and Metro to similarly eliminate the sunset date.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council authorizes the City Manager Pro Tem to enter into an amendment to the construction excise tax collection intergovernmental agreement with Metro in a form substantially similar to the attached Exhibit 1.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th of July, 2021.

Keith Mays, Mayor

Attest:

Sylvia Murphy, MMC, City Recorder

**AMENDMENT TO
CET COLLECTION IGA
METRO / City of Sherwood**

This Amendment to the Metro – City of Sherwood Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax (“Amendment”), is effective as of December 31, 2020, by and between Metro, a metropolitan service district organized under the laws of the state of Oregon, located at 600 Northeast Grand Avenue, Portland, OR, 97232 (“Metro”), and the City of Sherwood, located at 22560 SW Pine Street, Sherwood, Oregon 97140 (the “City”), collectively referred to as the “Parties.”

WHEREAS, on August 8, 2006, Metro and the City entered into a Construction Excise Tax Intergovernmental Agreement to Collect and Remit Tax (the “CET Collection IGA”), which provided that the City would collect and remit Construction Excise Taxes pursuant to Metro Ordinance No. 06-1115 and Metro Code Chapter 7.04; and

WHEREAS, the original sunset date for CET collection was tied to the original sunset date of the Metro CET, which was the date on which Metro certified that all collecting jurisdictions had remitted a total of \$6.3 million in revenue; and

WHEREAS, in 2009 the Metro Council extended the Construction Excise Tax via Ordinance No. 09-1220, with a new sunset date of September 30, 2014; and

WHEREAS, in 2014 the Metro Council extended the CET via Ordinance No. 14-1328, with a new sunset date of December 31, 2020; and

WHEREAS, on September 29, 2014, Metro and the City entered into an agreement amending the CET Collection IGA to reflect the new sunset date and provide that the City would continue collecting the CET through December 31, 2020; and

WHEREAS, in 2018 the Metro Council adopted Ordinance No. 18-1425, which removed the CET sunset provision from Metro Code Chapter 7.04, making the CET a permanent source of revenue; and

WHEREAS, the Parties wish to again amend the CET Collection IGA to delete the sunset provision in Section 10 and thereby authorize the City to continue collecting the CET beyond December 31, 2020;

NOW THEREFORE, the Parties agree as follows:

1. The Parties hereby amend Section 10 of the 2014 CET Collection IGA to **delete** the existing language in Section 10, which states:

“Sherwood shall cease collection of the Construction Excise Tax pursuant to this CET Collection IGA on December 31, 2020.”

And **insert**:

“In the event the CET is repealed or otherwise terminated by Metro, this agreement is also terminated effective as of the date the CET is legally terminated.

In addition, Sherwood may terminate this agreement at any time effective thirty (30) calendar days after written notice thereof to Metro.”

2. All other provisions of the CET Collection IGA, as previously amended, remain in full force and effect.

Metro

City of Sherwood

By: Marissa Madrigal
Title: Metro Chief Operating Officer

By:
Title: City Manager

TO: Sherwood City Council

FROM: Craig Christensen, Civil Engineer
Through: Bob Galati, City Engineer, Julia Hajduk Community Development Director and
Kristen Switzer, City Manager Pro Tem

SUBJECT: **Resolution 2021-063, Authorizing the City Manager Pro Tem to sign Right-Of-Way and Public Utility Easement Donation Agreement and Dedication Deeds to the benefit of Washington County for the Construction of the SW Roy Rogers Road Improvements**

Issue:

Should City Council authorize the City Manager Pro Tem to dedicate city property for right-of-way and public utility easement purposes to Washington County for the construction of the SW Roy Rogers Road widening improvements?

Background:

Washington County is in the process of preparing for the construction of street widening improvements along SW Roy Rogers Road from Chicken Creek to SW Borchers Drive. The project consists of widening the existing SW Roy Rogers Road street section within city limits. The City of Sherwood owns property on the south side of SW Roy Rogers Road between SW Lynn Way and SW Lavender Avenue. The right-of-way in front of the city property in this area is wide enough for the new street improvements, however upon research of the city's property line, it was discovered that a small part in the northwest corner of the property jogs out creating a need to dedicate this small piece (119 square feet) of the city's property to Washington County for the new street improvements.

Also, as part of these proposed street widening improvements, the existing overhead utility lines will need to be relocated to a public utility easement (PUE) outside of the right-of-way. Research concluded that no PUE exists adjacent to the right-of-way line within the above noted city property. Therefore, an 8-foot wide PUE needs to be dedicated by the City of Sherwood to Washington County to provide for relocation of the existing franchise utilities (see Resolution Exhibits A, B and C – Washington County Donation Agreement and Dedication Deeds).

Staff requests the Sherwood City Council authorize the City Manager Pro Tem to enter into an agreement to dedicate right-of-way and public utility easements to Washington County for the construction of SW Roy Rogers Road.

Financial Impacts:

There are no financial impacts with approving this request.

RECOMMENDATION: Staff respectfully recommends that the Council approve Resolution 2021-063, Authorizing the City Manager Pro Tem to sign Right-Of-Way and Public Utility Easement Donation Agreement and Dedication Deeds to the benefit of Washington County for the Construction of the SW Roy Rogers Road Street Improvements.



RESOLUTION 2021-063

AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN A RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT DONATION AGREEMENT AND DEDICATION DEEDS TO THE BENEFIT OF WASHINGTON COUNTY FOR THE CONSTRUCTION OF THE SW ROY ROGERS ROAD STREET IMPROVEMENTS

WHEREAS, Washington County is in preparation to construct street improvements to widen SW Roy Rogers Road within the City of Sherwood; and

WHEREAS, Washington County street improvements along SW Roy Rogers Road will require approximately 119 square feet of City of Sherwood owned property to be dedicated to Washington County as public right-of-way; and

WHEREAS, Washington County street improvements along SW Roy Rogers Road will require approximately 3,301 square feet of City of Sherwood owned property to be dedicated to Washington County as a public utility easement; and

WHEREAS, dedicating the right-of-way and public utility easement is in the interest of the City to allow for a consistent street section and to keep franchise utilities outside of the right-of-way within a public utility easement.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1: The City Manager Pro Tem is hereby authorized to sign the donation agreement and dedication deeds in a form substantially similar to the attached Exhibits A, B, and C, thereby dedicating City of Sherwood owned property to Washington County in the form of right-of-way and public utility easements.

Section 2: This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 20th day of July, 2021.

Attest:

Keith Mays, Mayor

Sylvia Murphy, MMC, City Recorder

WASHINGTON COUNTY DEPARTMENT OF LAND USE & TRANSPORTATION

Capital Project Services • Right of Way Section

1400 SW Walnut St., MS 18, Hillsboro, OR 97123-5625, 503-846-7870

DONATION AGREEMENT

May 27, 2021

City of Sherwood

Attn: Craig Christensen or Bob Galati

Address

Sherwood, OR 97140

File: 09 & 11

Name: City of Sherwood

Roadway: Roy Rogers Rd

Section: Borchers-Chicken Creek

Project #: 100389

FAP#: N/A

Situs: 20570 SW Jonquil Ter. Sherwood OR

Tax lot 2S130AD 11800 & 11900

When a public improvement project requires any government agency or its contractor to acquire or enter upon private property, the owners of that property are entitled to compensation based upon a valuation report under federal and state law. Federal law is the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, PL 91-646, and state law is in Oregon Revised Statutes, 35.510, as amended.

The above federal and state laws also allow property owners to donate necessary property rights if they wish. To accomplish a donation, you only need to acknowledge that the agency has informed you of the right to compensation and that you wish to donate. Property owners may also release Washington County from its requirement to provide a valuation report.

If you elect to donate the property rights as described in the two (2) attached Dedication Deeds (Deed and Legal Description & Exhibit A & B), subject to the above information, please date and sign this Donation Agreement in the space below.

☐ I/We release Washington County from providing a valuation report.

Dated this _____ day of _____, 2021.

City of Sherwood

22560 SW Pine Street

Sherwood, OR 97140

Signature: _____

Situs: 20570 SW Jonquil Ter. Sherwood OR

Tax lot 2S130AD 11800 & 11900

After recording, please return to:
Washington County
LUT, Right-of-Way Section
1400 SW Walnut St. Mail Stop #18
Hillsboro, OR 97124-5625

Until a change is requested all
tax statements shall be sent to:
No Change

DEDICATION DEED

CITY OF SHERWOOD, an Oregon municipal corporation, Grantor, grants to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is **\$ NONE**.

PARCEL 1 - DEDICATION OF RIGHT-OF-WAY

Including the right to construct, operate, and maintain a public road, all customary associated uses, and appurtenant facilities;

PARCEL 2 - PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantor hereby covenants to and with Grantee that it is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantor, by and through its _____, has caused this instrument to be duly signed.

DATED this _____ day of _____, 20____.

CITY OF SHERWOOD
an Oregon municipal corporation

By: _____

Title: _____

STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (name and title of position) of _____ City of Sherwood an Oregon municipal corporation, on behalf of the municipal corporation.

Notary Public

Approved As To Form

Accepted on behalf of Washington County, Oregon.

By: _____

Title: _____

Cortney D. Duke-Driessen
Assistant County Counsel
Signed & Dated: September 9, 2013

EXHIBIT "A"

SW Roy Rogers Road
May 19, 2021

County Road Project No. 100389
File No. #9
Tax Map 2S130AD
Tax Lot 11800

PARCEL 1 (RIGHT-OF-WAY DEDICATION).

A parcel of land situated in the Southeast One-Quarter of the Northeast One-Quarter of Section 30 in Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property described and conveyed to the City of Sherwood, in Warranty Deed-Survivorship, recorded June 01, 1998 as Document No. 98-057473, Washington County Book of Records; said parcel being that portion of said property lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property, and said line also is on the southerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described below.

The line above referred to is as follows:

Station	to	Station	Width on the southerly side of Centerline
224+50.00		224+80.00	45.00 feet

CENTERLINE DESCRIPTION FOR A PORTION OF SW ROY ROGERS ROAD (C.R. 3150)

A road centerline situated in the Southwest One-Quarter and the Southeast One-Quarter of Section 19, and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, all within Township 2 South, Range 1 West of the Willamette Meridian in the City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 201+19.42, said point bears N29°52'32"E, a distance of 97.55 feet from a found 3-1/4 inch aluminum disk at the One-Quarter Corner common to said Sections 19 and 30 per U.S.B.T. Entry 2001-056, Washington County Survey Records;

Thence from said point of beginning S00°00'39"E, a distance of 247.68 feet to a found

5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 203+67.10 at a point of curvature;

Thence along the arc of a 1476.38 foot radius curve to the right through a central angle of $5^{\circ}36'16''$ (the long chord bears $S2^{\circ}47'29''W$, 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 205+11.51 at a point of reverse curve;

Thence along the arc of a 1476.38 foot radius reverse curve to the left through a central angle of $5^{\circ}36'16''$ (the long chord bears $S2^{\circ}47'29''W$, 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 206+55.92 at a point of tangency;

Thence $S00^{\circ}00'39''E$, a distance of 125.76 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 207+81.68 at a point of curvature;

Thence along the arc of a 738.19 foot radius curve to the left through a central angle of $88^{\circ}53'39''$ (the long chord bears $S44^{\circ}27'28''E$, 1033.83 feet) 1145.30 feet to SW Roy Rogers Road Centerline Station 219+26.98 at a point of tangency;

Thence $S88^{\circ}54'18''E$, a distance of 553.02 feet to a found 5/8-inch iron rod in a monument box at SW Roy Rogers Road Centerline Station 224+80.00 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the right through a central angle of $1^{\circ}52'33''$ (the long chord bears $S87^{\circ}58'01''E$, 114.92 feet) 114.93 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 225+94.93 at a point of tangency;

Thence $S87^{\circ}01'45''E$, a distance of 96.83 feet to SW Roy Rogers Road Centerline Station 226+91.76 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the left through a central angle of $1^{\circ}51'51''$ (the long chord bears $S87^{\circ}57'41''E$, 114.22 feet) 114.23 feet to SW Roy Rogers Road Centerline Station 228+05.99 at a point of tangency;

Thence $S88^{\circ}53'37''E$, a distance of 58.31 feet to SW Roy Rogers Road Centerline Station 228+64.30 (Station 6+60.10 per SN 31,861);

Thence continuing $S88^{\circ}53'37''E$, a distance of 888.03 feet to the intersection with the

Exhibit "A"

2 of 3
OK JK

centerline of SW Borchers road at SW Roy Rogers Road Centerline Station 15+48.13 as shown on Survey Number 31,861 and the terminus of this centerline description.

The parcel of land to which this description applies contains 119 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

PARCEL 2 (PUBLIC UTILITY EASEMENT).

A parcel of land situated in the Southeast One-quarter of the Northeast One-quarter of Section 30 in Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property described and conveyed to the City of Sherwood, in Warranty Deed-Survivorship, recorded June 01, 1998 as Document No. 98-057473, Washington County Book of Records; said parcel being that portion of said property lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property, and said line also is on the southerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described above.

The line above referred to is as follows:

Station	to	Station	Width on the southerly side of Centerline
224+50.00		224+80.00	53.00 feet
224+80.00		225+94.92	53.00 feet a point of curve (along arc with a 3457.50 foot radius curve right, having a central angle of 1°52'33", long chord bears S87°58'01"E, 113.19 feet an arc length of 113.19 feet) to 53.00 feet.
225+94.92		226+80.00	53.00 feet

EXCEPTING therefrom that portion lying within the above described Parcel 1 (Right-of-Way Dedication).

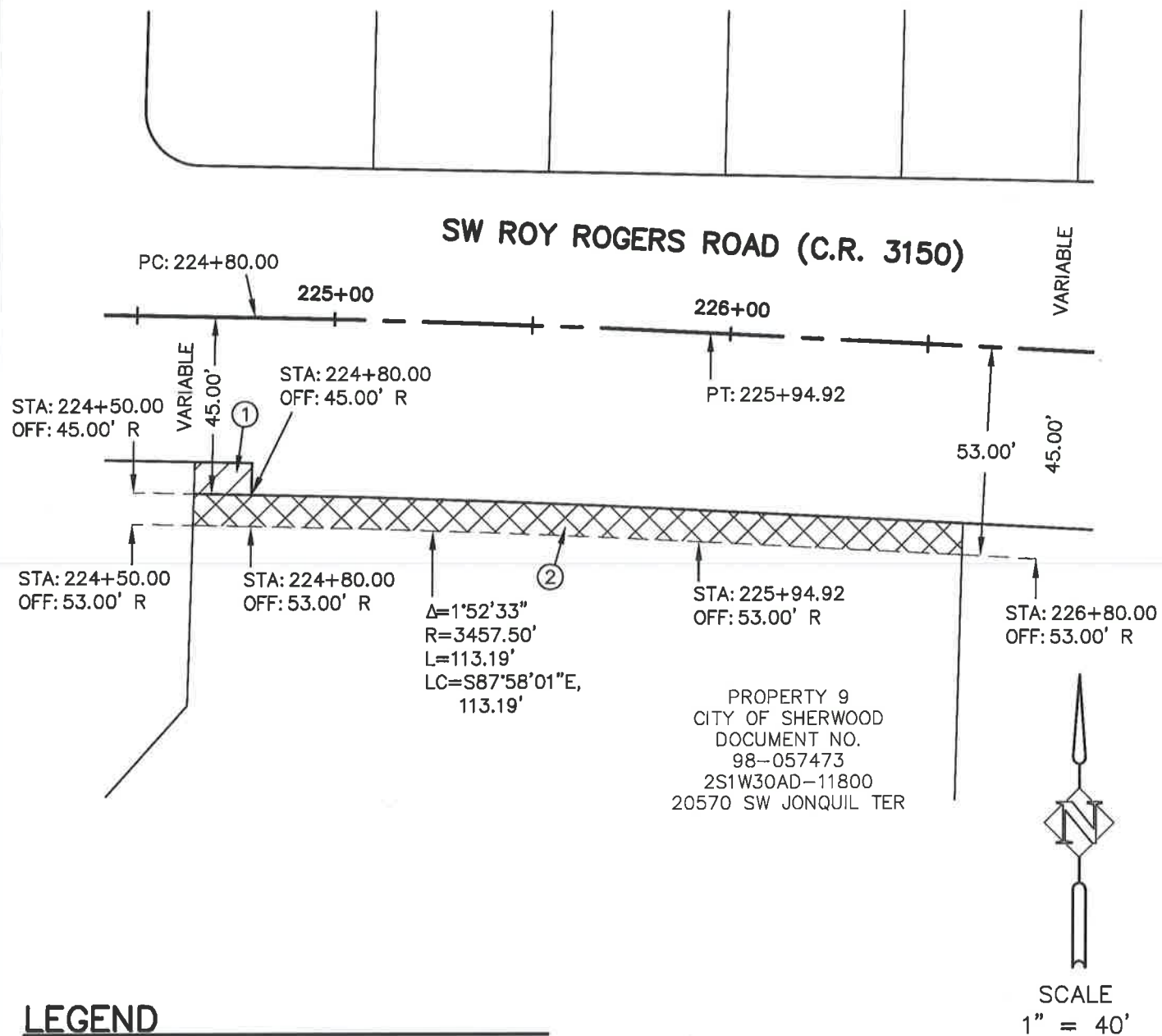
The parcel of land to which this description applies contains 1,555 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 33,890, Washington County Survey Records.



RENEWS: 12/31/2021

EXHIBIT "B"
PROJECT FILE NO. #9
WASHINGTON COUNTY PROJECT NO. 100389



LEGEND



① RIGHT-OF-WAY DEDICATION
± 119 SQ.FT.



② PUBLIC UTILITY EASEMENT
± 1,555 SQ.FT.

SEE ATTACHED
LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
WAS-34 TMW 05/19/2021 PAGE 1 OF 1

After recording, please return to:

*Washington County
LUT, Right-of-Way Section
1400 SW Walnut St. Mail Stop #18
Hillsboro, OR 97124-5625*

Until a change is requested all
tax statements shall be sent to:
No Change

DEDICATION DEED

CITY OF SHERWOOD, an Oregon municipal corporation, Grantor, grants to **WASHINGTON COUNTY**, a political subdivision of the State of Oregon, Grantee, on behalf of the public, for the use of the public forever, the following easements in that certain real property situated in the County of Washington and State of Oregon, described on the attached Exhibit "A," and shown on the attached Exhibit "B."

The true consideration for this conveyance is **\$ NONE**.

PARCEL 1 - PUBLIC UTILITIES EASEMENT

Including the right to install, maintain, and repair public utilities over, under, and across the property described;

This document is intended to grant easements on the property described, not to convey fee title or any interest in the underlying property except as expressly stated herein. The easements granted shall not prevent Grantors from the use of said property provided, however, that such use shall not be permitted to interfere with the rights herein granted. Grantor shall not be permitted to endanger the lateral support of any facilities constructed within the easements granted herein.

Grantor hereby covenants to and with Grantee that it is the owner of said property, which is free from all encumbrances, except for easements, conditions and restrictions of record, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

IN WITNESS WHEREOF, the above named Grantor, by and through its _____, has caused this instrument to be duly signed.

DATED this _____ day of _____, 20____.

CITY OF SHERWOOD
an Oregon municipal corporation

By: _____

Title: _____

STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (name and title of position) of _____ City of Sherwood an Oregon municipal corporation, on behalf of the municipal corporation.

Notary Public

Approved As To Form

Accepted on behalf of Washington County, Oregon.

By: _____

Title: _____

Cortney D. Duke-Driessen
Assistant County Counsel
Signed & Dated: September 9, 2013

EXHIBIT "A"

SW Roy Rogers Road
May 19, 2021

County Road Project No. 100389
File No. #11
Tax Map 2S130AD
Tax Lot 11900

PARCEL 1 (PUBLIC UTILITY EASEMENT).

A parcel of land situated in the Southeast One-Quarter of the Northeast One-Quarter of Section 30 in Township 2 South, Range 1 West of the Willamette Meridian, City of Sherwood, Washington County, Oregon and being a portion of that property described and conveyed to the City of Sherwood, in Warranty Deed, recorded April 29, 1997 as Document No. 97-039255, Washington County Book of Records; said parcel being that portion of said property lying northerly of the following described line, said line is to be lengthened or shortened to terminate at the boundary lines of said property, and said line also is on the southerly side of the centerline of SW Roy Rogers Road (C.R. 3150), which centerline is described below.

The line above referred to is as follows:

Station	to	Station	Width on the southerly side of Centerline
226+50.00		226+91.76	53.00 feet.
226+91.76		228+05.98	53.00 feet a point of curve (along arc with a 3563.50 foot radius curve left, having a central angle of 1°51'51", long chord bears S87°57'41"E, 115.94 feet an arc length of 115.95 feet) to 53.00 feet.
228+05.98		228+64.29	53.00 feet
228+64.29	=	6+60.10	53.00 feet (station equation)
6+60.10		6+85.00	53.00 feet

CENTERLINE DESCRIPTION FOR A PORTION OF SW ROY ROGERS ROAD (C.R. 3150)

A road centerline situated in the Southwest One-Quarter and the Southeast One-Quarter of Section 19, and the Northeast One-Quarter and the Northwest One-Quarter of Section 30, all within Township 2 South, Range 1 West of the Willamette Meridian in

Exhibit "A"

1 of 3

JK DM

the City of Sherwood, Washington County, Oregon, being more particularly described as follows:

Beginning at a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 201+19.42, said point bears N29°52'32"E, a distance of 97.55 feet from a found 3-1/4 inch aluminum disk at the One-Quarter Corner common to said Sections 19 and 30 per U.S.B.T. Entry 2001-056, Washington County Survey Records;

Thence from said point of beginning S00°00'39"E, a distance of 247.68 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 203+67.10 at a point of curvature;

Thence along the arc of a 1476.38 foot radius curve to the right through a central angle of 5°36'16" (the long chord bears S2°47'29"W, 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 205+11.51 at a point of reverse curve;

Thence along the arc of a 1476.38 foot radius reverse curve to the left through a central angle of 5°36'16" (the long chord bears S2°47'29"W, 144.36 feet) 144.41 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 206+55.92 at a point of tangency;

Thence S00°00'39"E, a distance of 125.76 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 207+81.68 at a point of curvature;

Thence along the arc of a 738.19 foot radius curve to the left through a central angle of 88°53'39" (the long chord bears S44°27'28"E, 1033.83 feet) 1145.30 feet to SW Roy Rogers Road Centerline Station 219+26.98 at a point of tangency;

Thence S88°54'18"E, a distance of 553.02 feet to a found 5/8-inch iron rod in a monument box at SW Roy Rogers Road Centerline Station 224+80.00 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the right through a central angle of 1°52'33" (the long chord bears S87°58'01"E, 114.92 feet) 114.93 feet to a found 5/8-inch iron rod with an aluminum cap inscribed "CH2M HILL" in a monument box at SW Roy Rogers Road Centerline Station 225+94.93 at a point of tangency;

Exhibit "A"

2 of 3
JLC 1/1/21

Thence S87°01'45"E, a distance of 96.83 feet to SW Roy Rogers Road Centerline Station 226+91.76 at a point of curvature;

Thence along the arc of a 3510.50 foot radius curve to the left through a central angle of 1°51'51" (the long chord bears S87°57'41"E, 114.22 feet) 114.23 feet to SW Roy Rogers Road Centerline Station 228+05.99 at a point of tangency;

Thence S88°53'37"E, a distance of 58.31 feet to SW Roy Rogers Road Centerline Station 228+64.30 (Station 6+60.10 per SN 31,861);

Thence continuing S88°53'37"E, a distance of 888.03 feet to the intersection with the centerline of SW Borchers road at SW Roy Rogers Road Centerline Station 15+48.13 as shown on Survey Number 31,861 and the terminus of this centerline description.

The parcel of land to which this description applies contains 1,746 square feet, more or less, excepting therefrom the existing right-of-way of SW Roy Rogers Road (C.R. 3150).

This centerline stationing and basis of bearings of this legal description is the same as that shown on Survey Number 33,890, Washington County Survey Records.



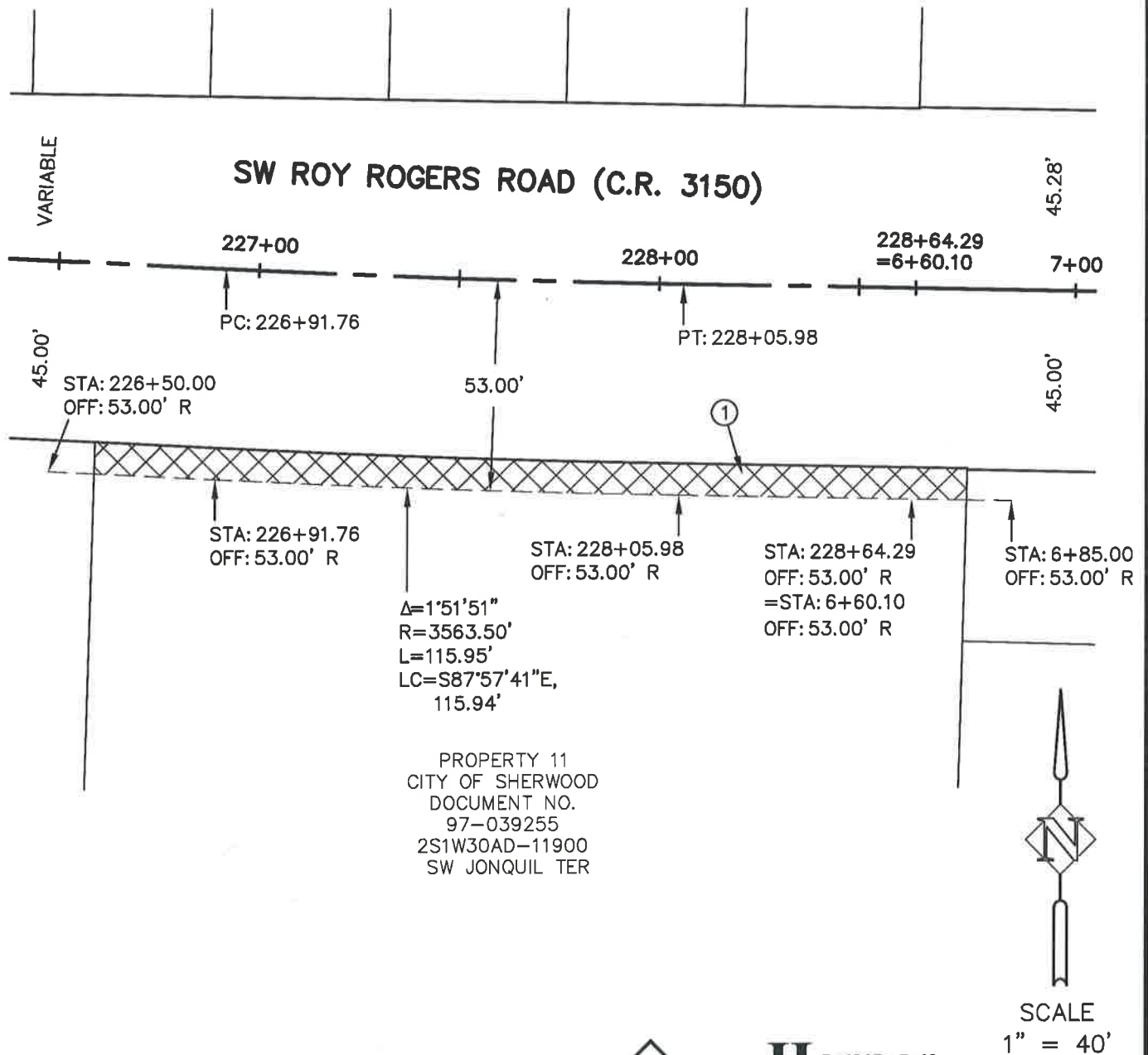
RENEWS: 12/31/2021

Exhibit "A"

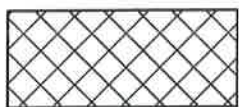
3 of 3

JK

EXHIBIT "B"
PROJECT FILE NO. #11
WASHINGTON COUNTY PROJECT NO. 100389



LEGEND



① PUBLIC UTILITY EASEMENT
± 1,746 SQ.FT.

SEE ATTACHED
LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171
WAS-34 TMW 05/19/2021 PAGE 1 OF 1

Agenda Item: Public Hearing (*First Hearing*)

TO: Sherwood City Council

FROM: Bob Galati P.E, City Engineer
Through: Julia Hajduk, Community Development Director, Josh Soper, City Attorney and Kristen Switzer, City Manager Pro Tem

SUBJECT: Ordinance 2021-007, Vacating City right-of-way located along the east side of SW Park Row Avenue and south to SW Willamette Street (*First Hearing*)

Issue:

Should the City release the public's interest in a segment of street right-of-way located along the east side of SW Park Row Avenue south to SW Willamette Street?

Background:

This Ordinance is being submitted as a public request from Erik and Sarah Olson, property owners of 15845 SW Willamette Street (Tax Lot # 2S132B004400). In the petition attached to this staff report as (Exhibit C), the Olson's describe the existing conditions of their property, and what vacation of the Park Row right-of-way would do to enhance the livability of their lot, without detriment to adjacent properties or City infrastructure.

Vacation of this right-of-way will attach the vacated right-of-way area to the adjacent property (Tax Lot # 2S132B004400) abutting the existing right-of-way, in conformance with ORS 271.140. ORS Chapter 271 describes the criteria and processes for vacating public right-of-way, which includes public noticing of the proposed action, consent of affected property owners, and a public hearing to determine if the vacation is in the public interest.

Vacation of this right-of-way has been reviewed by and deemed acceptable by the City of Sherwood Public Works Department, as it does not impact any City underground infrastructure, nor will it increase street maintenance efforts or costs. In addition, City Planning, Engineering and Public Works staff have reviewed the potential need for retaining the right of way and found that there is no long-term need. Portions of this ROW have been previously vacated in past City Council legislative actions (Ordinances 1981-745 & 1981-749). Park Row is currently a stub street, and residential site development of property beyond the stub street precludes further extension of the street. The Park Row stub street will not provide for any future City transportation expansion or connectivity needs. The City's Transportation System Master Plan also does not indicate any future extension of the existing Park Row right-of-way.

Vacation of this right-of-way will not have an adverse effect on any adjacent property values, whereas redevelopment of this land may actually increase the property value of adjacent properties.

City Council adoption of Ordinance 2021-007, vacating the Park Row right-of-way shown and described in the attached Exhibits "A" and "B", causes no negative impacts to City owned infrastructure. Vacation of the Park Row right-of-way will enhance Sherwood livability, and promote resident well-being.

A second hearing on this ordinance, if needed, has been scheduled for August 3, 2021.

Financial Impacts:

There are no future costs to the City associated with vacation of this right-of-way and the applicant has paid a deposit ensuring that the full cost of this request is paid for by them. Vacation of the right-of-way comprises the release of the public's interest in right-of-way that is no longer needed. Vacation of this right-of-way will add property in private ownership and thereby add to the taxable land base.

Recommendation:

City staff respectfully recommends that City Council conduct the first hearing and consider approval of Ordinance 2021-007, vacating City right-of-way located along the east side of SW Park Row Avenue south to SW Willamette Street.

EXHIBIT C

Dear City of Sherwood,

We are excited to submit a formal petition for street vacation, attached. Having spoken with City Engineer, Bob Galati, and City Manager, Joe Gall, we have gathered the following required materials for your consideration:

- Formal request form for street vacation.
- Petition filing deposit of \$4,000.
- Surveyors map of the requested right-of-way vacation area, including:
 - The public right of way and adjacent property lines of abutting parcels.
 - Location and description of all "public utilities" located within the right-of-way.
 - Location and description of all "private utilities" located within the public right of way.
 - The location and description of any existing easements recorded over or adjacent to the right of way.
- An exhibit of the survey with the extents of the vacation request shown as highlighted line work.
- A legal description of the requested right of way vacation area.
- Petition signatures from two-thirds ($\frac{2}{3}$) of property owners within 200 feet perpendicular, and 400 feet parallel to the property.

In addition to these materials, we have been thoughtful in our approach. We have met with both Bob, Joe, and other city personnel to ensure a smooth vacation process. Of the parties we have met, all have agreed that a vacation is both feasible and appropriate given our situation.

Last year, our family set out to fence the east side of our property to provide safety and privacy for our pets and two boys, ages ten and seven. In doing so, we discovered that the formal property line literally cut through the middle of our back yard. Though the property is visually perceived as part of our yard, and we have been maintaining it, the awkward property line was due to a 60 foot right-of-way for Park Row Avenue, which borders our property and is currently a "dead end" street.

In speaking with Bob and Joe, we found that the right-of-way was established in the event that one day Park Row Avenue was to connect to Washington Street. However, some time ago, because the city did not intend to construct a through-street, the land connecting Park Row Avenue and Washington Street was vacated to the property owners (Lots 9, 10 and 11). Because there is no planned through-street, and there are no public utilities in this area, we are requesting a partial vacation (see the proposed vacation map).

We would like to legally incorporate this area so we can continue improving the property by way of fencing, irrigation, and landscaping. Thank you for taking the time to review our proposal. Our goal is to continue to add value to our neighborhood, and to the City of Sherwood.

Very best,

Erik, Sarah, Reed and Evan Olson



ORDINANCE 2021-007

VACATING CITY RIGHT-OF-WAY LOCATED ALONG THE EAST SIDE OF SW PARK ROW AVENUE AND SOUTH TO SW WILLAMETTE STREET

WHEREAS, the City received a citizen sponsored petition to vacate City right-of-way, said right-of-way described in Deed Book 5, Page 20, recorded February 13, 1912, Washington County Deed Records, and located along the east side of SW Park Row Avenue up to SW Willamette Street, being more particularly described and shown on the attached Exhibit A (Survey Map) and Exhibit B (Legal Description); and

WHEREAS, the City posted notices of the vacation request and hearing at four public locations and at two locations on the vacation site, mailed notification to property owners within 500 feet of the vacation site, and published the notice in a local newspaper on two separate dates, June 17 and June 24, 2021, all in accordance with ORS 271.110 et seq.; and

WHEREAS, the petition for vacation included the written consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby, as defined in ORS 271.080; and

WHEREAS, title to the vacated right-of-way area will be attached to the adjacent property (2S132B004400) owned by Erik and Sarah Olsen per ORS 271.140; and

WHEREAS, the right-of-way sought to be vacated is not needed for any present or future purpose and the vacation of the right-of-way will not negatively impact any other adjacent property values; and

WHEREAS, the City Recorder has certified that the affected property is free of all City liens and no taxes are owed on the affected property; and

WHEREAS, a public hearing on this matter was held on July 20, 2021.

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

Section 1: After full and due consideration of the application, the City Staff Report, and all public testimony received, the City Council finds that the consent of the owners of the requisite area has been obtained, notice has been duly given, and the public interest will not be prejudiced by the proposed vacation.

Section 2: The City Council hereby vacates the City right-of-way located along SW Park Row Avenue south to SW Willamette Street, as shown on the attached Exhibit A (Survey Map) and Exhibit B (Legal Description).

Section 3: This ordinance shall become effective the 30th day after its enactment by the City Council and approved by the Mayor.

Duly passed by the City Council this 20th day of July, 2021.

Attest:

Keith Mays, Mayor

Date

Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	_____	_____
Griffin	_____	_____
Brouse	_____	_____
Young	_____	_____
Garland	_____	_____
Rosener	_____	_____
Mays	_____	_____

EXHIBIT A

PROPOSED VACATION

BEING A PORTION OF S.W. PARK
ROW AVENUE DEDICATED BY THE PLAT OF
"CITY VIEW ADD." CITY OF SHERWOOD,
WASHINGTON COUNTY, OREGON
TAX MAP 2S-1-32BD
APRIL 1, 2021



SCALE: 1" = 20'

S.W. PARK ROW
(VACATED BY DOC.
NO. 81-040214)

S.W. PARK ROW AVE.

N 72°56'57" W
28.50'

PROPOSED VACATION
2.665 SQ. FT.
S 18°14'51" E 143.92'

N 13°03'22" W

10

11

12

13

ERIK & SARAH OLSON
& REED HILDEBRAN
DOC. NO. 2018-062938

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
DECEMBER 6, 2013
ANDREW MICHAEL MILLER
79372

RENEWS: DECEMBER 31, 2022

PROJECT NO.: 20029
DRAWING NAME: 20029BNDY.DWG

MILLER LAND SURVEYING



541-410-2739
P.O. BOX 474
WILSONVILLE, OR. 97070
MLSOREGON@GMAIL.COM
OREGONLANDSURVEYOR.COM

S.W. WILLAMETTE ST.

S 28°33'42" E 38.64'

1.50'

N 47°15'29" E

EXHIBIT B

DATE: 4/1/2021

LOCATION: 15845 SW Willamette St., Sherwood, OR. 97140

Proposed Vacation Description

FOR USE ON LEGAL INSTRUMENT

EXHIBIT "A"

PROPOSED VACATION OF S.W. PARK ROW AVENUE

A tract of land lying within the right-of-way of S.W. Park Row Avenue and adjoining Lot 11 and Lot 13, plat of CITY VIEW ADDITION, City of Sherwood, Washington County, Oregon, being more particularly described as follows:

BEGINNING at the South corner of said Lot 13, CITY VIEW ADDITION; thence along the West line of said Lot 13 and continuing along the West line of said Lot 11, North 13°03'22" West a distance of 165.52 feet to the Northwest corner of said Lot 11; thence along the Southwest line of vacated Park Row Avenue right-of-way described in Document No. 81-040214, Washington County deed records, North 72°56'57" West a distance of 28.50 feet; thence leaving said vacated right-of-way line, South 18°14'51" West a distance of 143.92 feet; thence South 28°33'42" East a distance of 38.64 feet to a Southwest extension of the Southeast line of said Lot 13; thence along said Southwest extension, North 47°15'29" East a distance of 1.50 feet to the **POINT OF BEGINNING**.

Containing 2665 square feet.



A handwritten signature in cursive script, appearing to read "Andrew Michael Miller".



EXPIRES: 12/31/2022