

ORDINANCE NO. 2105

**AN ORDINANCE APPROVING VACATION OF A PORTION OF BOULDER RIDGE STREET
PUBLIC RIGHT-OF-WAY - SOUTH OF TWIN CREEKS CROSSING AND ACCEPTING
RESERVATION OF EASEMENT TO CITY**

RECITALS:

- A. WHEREAS, Boulder Ridge Street, south of Twin Creeks Crossing was dedicated to the City of Central Point for roadway purposes in conjunction with the platting of Twin Creeks Crossing, Phase 1, recorded on January 4, 2006, in Volume 33 at Page 01, of the Plat Records of Jackson County, Oregon.
- B. WHEREAS, Oregon Revised Statutes (ORS) Chapter 271 provides for the vacation of public rights-of-way.
- C. WHEREAS, the City has determined that the southerly extension of Boulder Ridge Street is not necessary or planned for further connection given existing development and street layout.
- D. WHEREAS, on July 13, 2023 the City Council adopted a Resolution of Intent to initiate vacation of the subject property, more fully described at Exhibit "A", incorporated herein by reference.
- E. WHEREAS, a duly noticed public hearing was held before the City Council on August 24, 2023.
- F. WHEREAS, after due consideration, the City has made certain findings in connection with the request for vacation of City property and subsequent statutory procedures for the vacation process, which findings are attached hereto and incorporated herein as Exhibit "C";
- G. WHEREAS, based on the attached findings, the City of Central Point determines that it is in the best interest of the public to grant the vacation request.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Vacated Property. The Boulder Ridge Street right-of-way located south of Twin Creeks Crossing, consisting of approximately 8,354 square feet, more or less, as described in Exhibit "A" and depicted at Exhibit "B", attached hereto, is hereby vacated, and title to the vacated property shall be returned and belong to the owners of the adjacent property pursuant to Oregon law.

SECTION 2. Findings. The Council adopts the Findings attached to this Ordinance set forth

in Exhibit "C".

SECTION 3. Reservation of Easement. A public utility easement is hereby reserved for the benefit of, and conveyed to, the City of Central Point, its successors and assigns, under, through, over and across the entire area of the vacated property in which to construct, operate, maintain, repair, replace, improve, and enlarge utility systems for purposes of transmission, distribution, and sale of such utilities. This grant of easement extends to providers of public utilities for such purposes. The City and such utilities shall also have reasonable rights of ingress and egress to and from such easement across the vacated property. Public utilities that may use this easement include, but are not limited to, storm drainage, sanitary sewer, water, gas, electric, telephone and cable television.

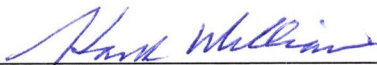
SECTION 4. Deed. The vacated property shall be conveyed to the abutting property owners by Quit Claim Deed, in substantially the form provided at Exhibit "D". Conveyance shall be subject to the conditions set forth in this ordinance and applicable law.

SECTION 5. Conditions of Vacation. The vacation is conditioned upon the adjacent property owner (owner whose property abuts the vacated property) executing any and all necessary documents to effectuate this vacation.

SECTION 6. Filing. Certified true copies of this ordinance shall be recorded in the office of the County Clerk of Jackson County, Oregon, and with the County Assessor and County Surveyor of Jackson County, Oregon.

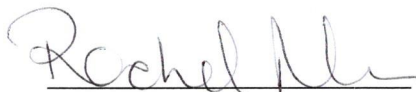
SECTION 7. Effective Date. For purposes of transfer of ownership of the property covered by the vacation, this Ordinance shall be effective upon completion of the conditions provided herein.

PASSED by the Council and signed by me in authentication of its passage this 14 day of September 2023.



Mayor Hank Williams

ATTEST:



City Recorder

Ordinance No. 2105; (9/14, 2023)

EXHIBIT "A"

**BOULDER RIDGE STREET
RIGHT-OF-WAY VACATION
DESCRIPTION SHEET LOT 3**

All that certain real property being a 30.00-foot-wide strip of land lying southerly of Twin Creeks Crossing (a public street) and dedicated as Boulder Ridge Street (a public street) per TWIN CREEKS CROSSING, PHASE 1, recorded on January 4, 2006, in Volume 33 at Page 01, of the Plat Records of Jackson County, Oregon, and filed as Survey Number 19470 in the office of the Jackson County Surveyor, located in the Northeast One-quarter of the Southwest One-quarter of Section 3, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County, Oregon. The exterior boundary of which is more particularly described as follows:

Beginning at a point on the centerline of Boulder Ridge Street, being on the southerly right-of-way of Twin Creeks Crossing; thence along the common right-of-way line of Twin Creeks Crossing and Boulder Ridge Street, North 54°47'06" East, 30.00 feet to the north-northwesterly corner of Lot 3 of said TWIN CREEKS CROSSING, PHASE 1; thence leaving said common right-of-way line and along the easterly right-of-way line of said Boulder Ridge Street, South 35°13'03" East, 139.24 feet to the southeast corner of the southerly right-of-way line for said Boulder Ridge Street; thence along said southerly right-of-way line, South 54°46'57" West, 30.00 feet to said centerline of Boulder Ridge Street; thence along said centerline, North 35°13'03" West, 139.24 feet to the Point of Beginning.

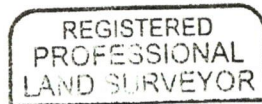
Containing 4,177 square feet (more or less).

RESERVING THEREFROM, all easement rights and Public Utility Easement, as dedicated to the City of Central Point, for public use over, under, through and across the entire area herein above described.

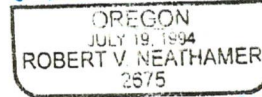
BASIS OF BEARINGS: Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

Prepared By: Neathamer Surveying, Inc.
3126 State Street, Suite 203
PO Box 1584
Medford, Oregon 97501
Phone: (541) 732-2869
Project Number: 09002-T-56

Date: July 27, 2023

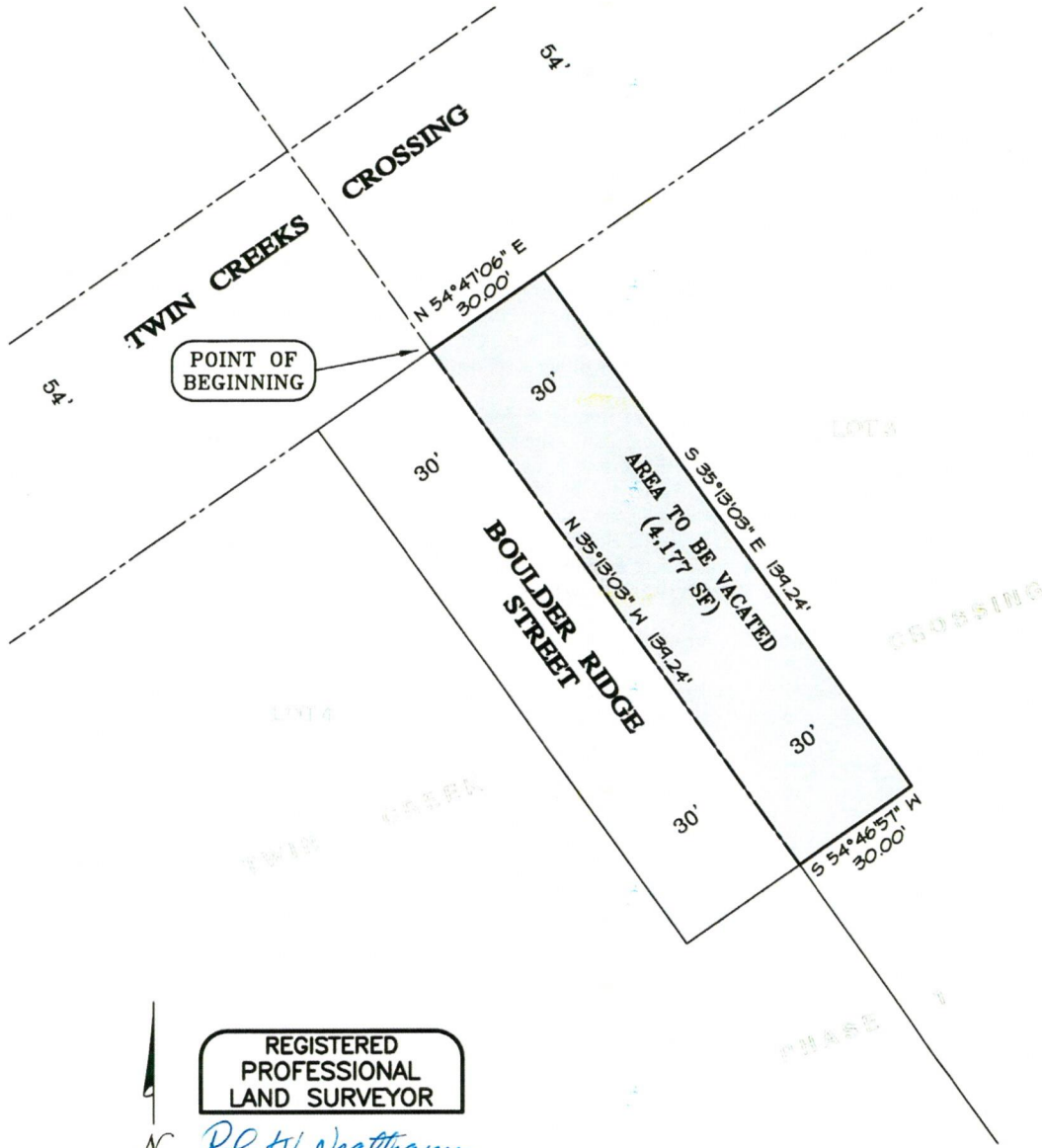


Robert V. Neathamer



RENEWAL: DEC. 31, 2024

EXHIBIT "B"



SCALE: 1"=30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
LS 2675

RENEWAL DEC. 31, 2024

EXHIBIT D-1

After recording return to:

City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
all tax statements shall be sent
to the following address:**

PC Central Point, LLC
1361 Pearl Street
Eugene, OR 97401

Grantor:

City of Central Point

Grantee:

PC Central Point, LLC

VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, does hereby release and quitclaim to PC Central Point, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to the real property described below, which real property was vacated, closed and abandoned by Ordinance No. 2105 passed and approved by the City Council of the City of Central Point, Oregon on September 14, 2023.

See Exhibit A attached hereto.

There is no monetary consideration involved in this transfer. The true consideration for this conveyance is other consideration, consisting of Grantor's reservation of certain easements pertaining to the subject real property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010,

Ordinance No. 2105; (9/14, 2023)

TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this ___ day of _____, 2023.

CITY OF CENTRAL POINT,

Exhibit only - not for execution

By:

STATE OF OREGON)
) ss.
County of Jackson)

On this ___ day of _____, 2023, personally appeared before me _____, representative of City of Central Point, a municipal corporation, and acknowledged said instrument to be *his/her* voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

EXHIBIT "A"

**BOULDER RIDGE STREET
RIGHT-OF-WAY VACATION
DESCRIPTION SHEET LOT 4**

All that certain real property being a 30.00-foot-wide strip of land lying southerly of Twin Creeks Crossing (a public street) and dedicated as Boulder Ridge Street (a public street) per TWIN CREEKS CROSSING, PHASE 1, recorded on January 4, 2006, in Volume 33 at Page 01, of the Plat Records of Jackson County, Oregon, and filed as Survey Number 19470 in the office of the Jackson County Surveyor, located in the Northeast One-quarter of the Southwest One-quarter of Section 3, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County, Oregon. The exterior boundary of which is more particularly described as follows:

Beginning at the north-northeasterly corner of Lot 4 of said TWIN CREEKS CROSSING, PHASE 1, being on the westerly right-of-way of Boulder Ridge Street, southerly of its intersection with Twin Creeks Crossing; thence along the common right-of-way line of Twin Creeks Crossing and Boulder Ridge Street, North 54°47'06" East, 30.00 feet to the centerline of said dedicated Boulder Ridge Street; thence leaving said common right-of-way line and along said centerline, South 35°13'03" East, 139.24 feet to the southerly right-of-way line of said Boulder Ridge Street; thence along said southerly right-of-way line, South 54°46'57" West, 30.00 feet to the southwest corner of the westerly right-of-way line for said Boulder Creek Street; thence along said westerly right-of-way line, North 35°13'03" West, 139.24 feet to the Point of Beginning.

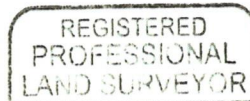
Containing 4,177 square feet (more or less).

RESERVING THEREFROM, all easement rights and Public Utility Easement, as dedicated to the City of Central Point, for public use over, under, through and across the entire area herein above described.

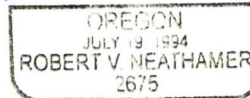
BASIS OF BEARINGS: Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland zone (references: OAR 734-005-0005, 734-005-0010 and 734-005-0015(3)(p)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

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3126 State Street, Suite 203
PO Box 1584
Medford, Oregon 97501
Phone: (541) 732-2869
Project Number: 09002-T-56

Date: July 27, 2023

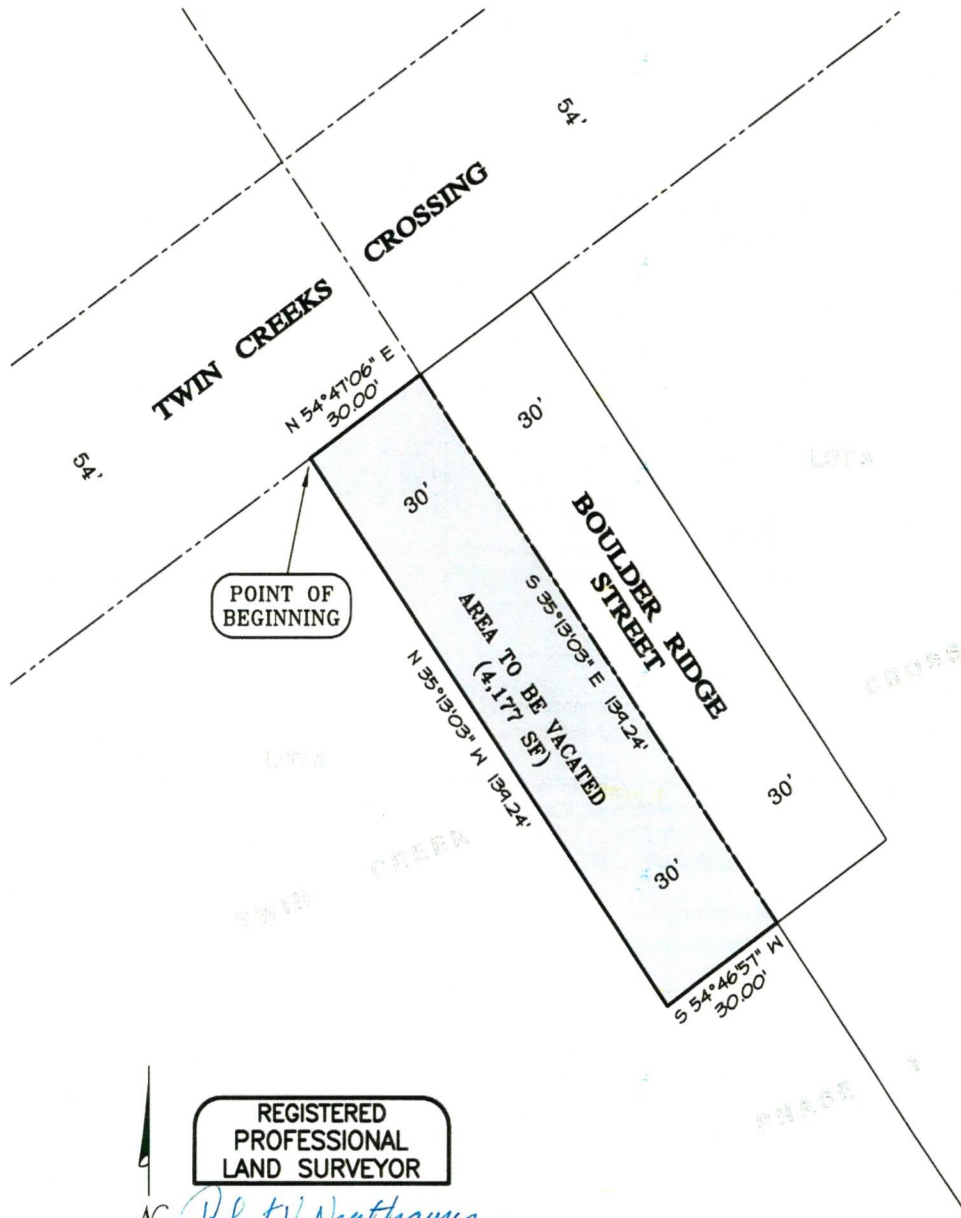


Robert V. Neathamer



RENEWAL DEC. 31, 2024

EXHIBIT "B"



SCALE: 1"=30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
LS 2675
RENEWAL DEC. 31, 2024

EXHIBIT "A"

**BOULDER RIDGE STREET
RIGHT-OF-WAY VACATION
DESCRIPTION SHEET**

All that certain real property being a 60.00-foot-wide strip of land lying southerly of Twin Creeks Crossing (a public street) and dedicated as Boulder Ridge Street (a public street) per TWIN CREEKS CROSSING, PHASE 1, recorded on January 4, 2006, in Volume 33 at Page 01, of the Plat Records of Jackson County, Oregon, and filed as Survey Number 19470 in the office of the Jackson County Surveyor, located in the Northeast One-quarter of the Southwest One-quarter of Section 3, Township 37 South, Range 2 West of the Willamette Meridian, in the City of Central Point, Jackson County, Oregon. The exterior boundary of which is more particularly described as follows:

Beginning at the north-northeasterly corner of Lot 4 of said TWIN CREEKS CROSSING, PHASE 1, being on the westerly right-of-way of Boulder Ridge Street, southerly of its intersection with Twin Creeks Crossing; thence leaving said boundaries and parallel with the centerline of said Twin Creeks Crossing, North 54°47'06" East, 60.00 feet to the north-northwesterly corner of Lot 3 per said TWIN CREEKS CROSSING, PHASE 1, being on the easterly right-of-way of Boulder Ridge Street; thence along said right-of-way and the boundary of said Lot 3, the following courses and distances: South 35°13'03" East, 139.24 feet and South 54°46'57" West, 30.00 feet to the corner common to said Lots 3 and 4; thence leaving the boundary of said Lot 3, continuing along said right-of-way and the boundary of said Lot 4, the following courses and distances: South 54°46'57" West, 30.00 feet and North 35°13'03" West, 139.24 feet to the Point of Beginning.

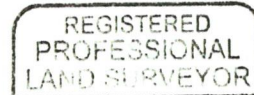
Containing 8,354 square feet (more or less).

RESERVING THEREFROM, all easement rights and Public Utility Easement, as dedicated to the City of Central Point, for public use over, under, through and across the entire area herein above described.

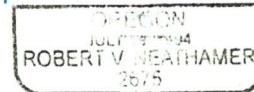
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3126 State Street, 2022-10 Suite 203
PO Box 1584
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Phone: (541) 732-2869
Project Number: 09002-T-56

Date: July 27, 2023

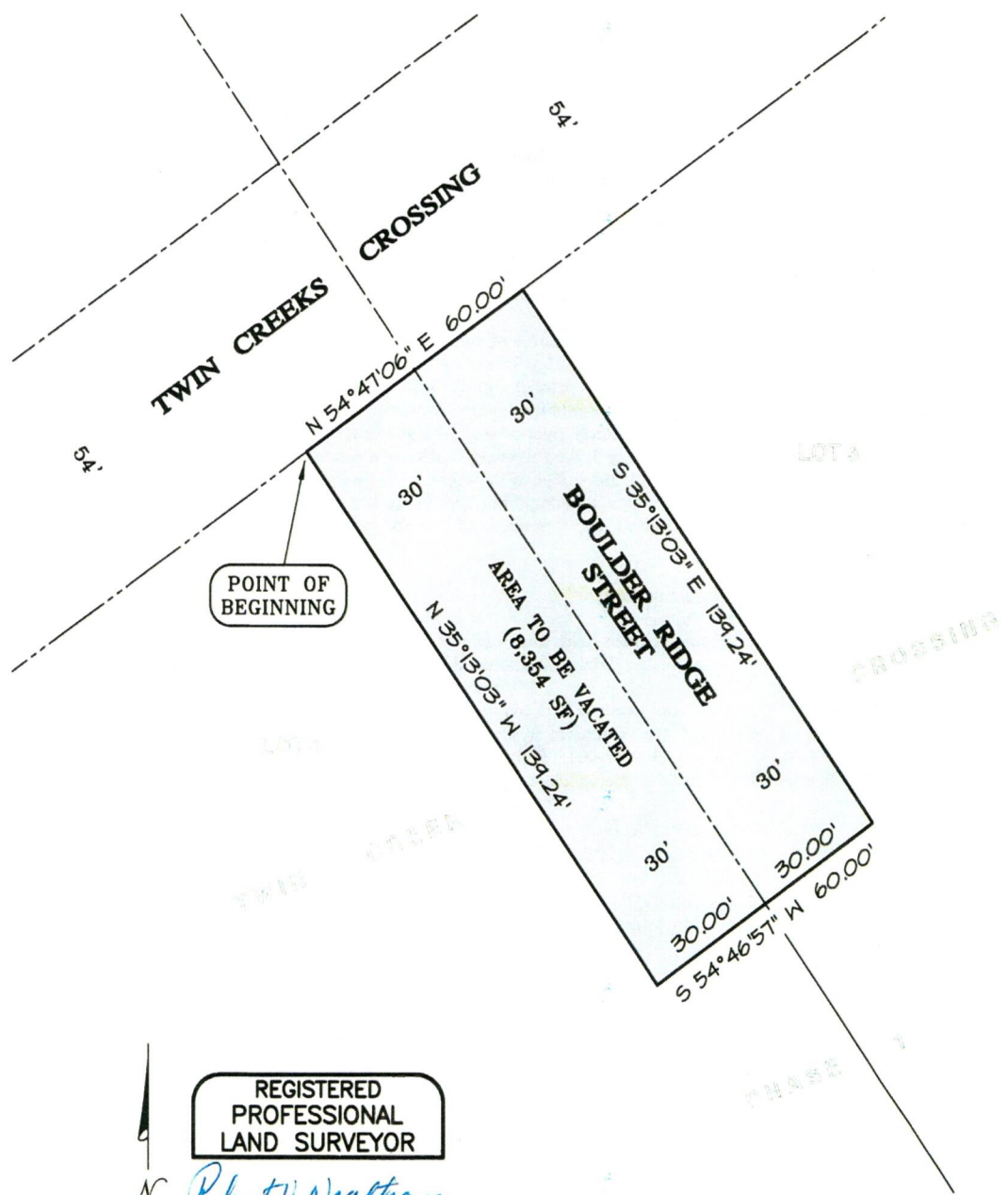


Robert V. Neathamer



RENEWAL DEC. 31, 2024

EXHIBIT "B"



SCALE: 1"=30'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Robert V. Neathamer

OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
LS 2675
RENEWAL DEC. 31, 2024

EXHIBIT "C"

FINDINGS TO AN ORDINANCE VACATING A PORTION OF BOULDER RIDGE STREET PUBLIC RIGHT-OF-WAY - SOUTH OF TWIN CREEKS CROSSING, CENTRAL POINT, OREGON AND ACCEPTING RESERVATION OF EASEMENT TO CITY

In connection with the ordinance vacating a portion of Boulder Ridge Street public right-of-way located south of Twin Creeks Crossing, the Council finds:

1. That the southerly extension of Boulder Ridge Street is not necessary or planned for further connection given existing development and street layout, that the proposed vacation area is not a significant asset to the City, and that the proposed vacation area provides more value to the public by being added to the local taxable land base than remaining in its current state.

2. The Council reviewed the staff report; conducted a public hearing on the proposed vacation on August 24, 2023; and found the vacation of the southerly extension of Boulder Ridge Street to be in the public interest.

3. The City provided notice of the proposed vacation pursuant to ORS 271.110, by publication in the Rogue Valley Times, a newspaper of general circulation published in Jackson County, Oregon. Notice was published once per week for two consecutive weeks with the first publication on August 10, 2023 and the second publication on August 17, 2023.

4. Said notice provided, among other things, that a hearing before the City Council concerning the proposed vacation would be held on August 24, 2023 in the City Council Chambers in Central Point, Oregon, which was the time and place when objections to such proposed vacation would be considered and heard.

5. The City Council convened at the time and place specified in the public notices and no objections were made to said vacation.

6. On August 10, 2023, the City posted at or near each end of the portions of land proposed to be vacated, a copy of the notice provided for in ORS 271.110.

7. The Council determined that the proposed vacation would not substantially affect the market value of the property owners abutting the open space to be vacated.

8. Vacation of the subject property will be in the public interest. It will add property to the tax rolls, and will potentially decrease City costs and liabilities associated with the maintenance of unnecessary public right-of-way.

9. The vacated property will be deeded to the abutting property owners subject to the reservation of a public utility easement for the City of Central Point for construction,

installation, maintenance, repair, replacement, distribution, and transmission of utilities and ingress and egress to such utility easement.

EXHIBIT D

After recording return to:

City of Central Point
140 S. Third Street
Central Point, OR 97502

**Until a change is requested,
all tax statements shall be sent
to the following address:**

Smith Crossing, LLC
353 Dalton Street
Medford, OR 97501

Grantor:

City of Central Point

Grantee:

Smith Crossing, LLC

VACATION QUIT CLAIM DEED

City of Central Point, an Oregon municipal corporation, Grantor, does hereby release and quitclaim to Smith Crossing, LLC, an Oregon limited liability company, Grantee, all right, title and interest in and to the real property described below, which real property was vacated, closed and abandoned by Ordinance No. 2105 passed and approved by the City Council of the City of Central Point, Oregon on September 14, 2023.

See Exhibit A attached hereto.

There is no monetary consideration involved in this transfer. The true consideration for this conveyance is other consideration, consisting of Grantor's reservation of certain easements pertaining to the subject real property.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010,

Ordinance No. 2105; (9/14), 2023)

TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this ___ day of _____, 2023.

CITY OF CENTRAL POINT,

Exhibit only - not for execution

By:

STATE OF OREGON)

) ss.

County of Jackson)

On this ___ day of _____, 2023, personally appeared before me _____, representative of City of Central Point, a municipal corporation, and acknowledged said instrument to be *his/her* voluntary act and deed.

Notary Public for Oregon

My Commission Expires: _____

Ordinance No. 2105; (9/14, 2023)