

ORDINANCE NO. 2433

AN ORDINANCE providing for the vacation of portions NW Artz Court.

WHEREAS, by Resolution No. 1033 adopted November 21, 2005, the City Council initiated proceedings to vacate portions of NW Artz Court, and

WHEREAS, said Resolution set the 19th day of December, 2005, at 7:00 p.m., in the Council Chambers in the City Hall of Camas, Washington, as the time and place for a public hearing on said proposed vacation, and

WHEREAS, pursuant to said Resolution, the City Clerk caused notices to be posted and mailed in accordance with the requirements of law, and

WHEREAS, at the time and place set for said hearing, the Council considered the testimony of all persons commenting on said vacation, and

WHEREAS, the Council finds that the portions of NW Artz Court that are proposed to be vacated are not currently being utilized for public road, sidewalk or utility purposes, and that there are no plans to use such streets for public road, sidewalk or utility purposes, now, therefore,

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The following described portions of NW Artz Court be and the same is hereby vacated:

See Attachment "A"

Section II

Said vacations are contingent upon the abutting landowners paying the cost of publishing this ordinance.

Section III

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 19th day of December, 2005.

SIGNED: Paul [Signature]
Mayor

ATTEST: John M. [Signature]
Clark

APPROVED as to form:
[Signature]
City Attorney

4106566 ORD

RecFee - \$35.00 Pages: 4 - CITY OF CAMAS
Clark County, WA 1/3/06 2:40 PM



RETURN ADDRESS

City of Camas
P.O. Box 1055
Camas, WA 98607

Please Print neatly or Type information
DOCUMENT TITLES(S)

Ordinance No. 2433

REFERENCE NUMBER(S) OF RELATED DOCUMENT(S)

Additional Reference #'s on page _____

GRANTOR(S)

City of Camas

Additional Grantors on page # _____

GRANTEE(S)

adjacent lots - Centex Homes

Additional Grantees on page # _____

LEGAL DESCRIPTION (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

A parcel of land situated in the SE ^{one} quarter of the SE ^{one} quarter of Section 4,
township 1 North, Range 3 east, Willamette Meridian Additional Legal is on page # 3 and 4

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

124969 072 124969 074

Additional Parcel #'s on page _____

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.



17355 sw boones ferry road • lake oswego, oregon 97035-5217
(503) 635-3618 • fax (503) 635-5395
www.otak.com

**EXHIBIT A
EASEMENT DESCRIPTION**

**Right of Way Vacation
LOT 36, "HILLSHIRE"**

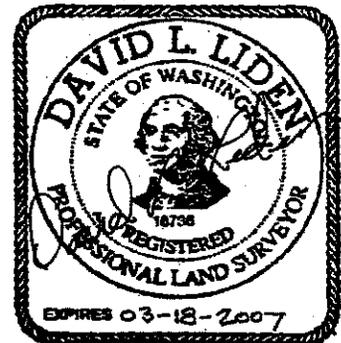
December 08, 2005

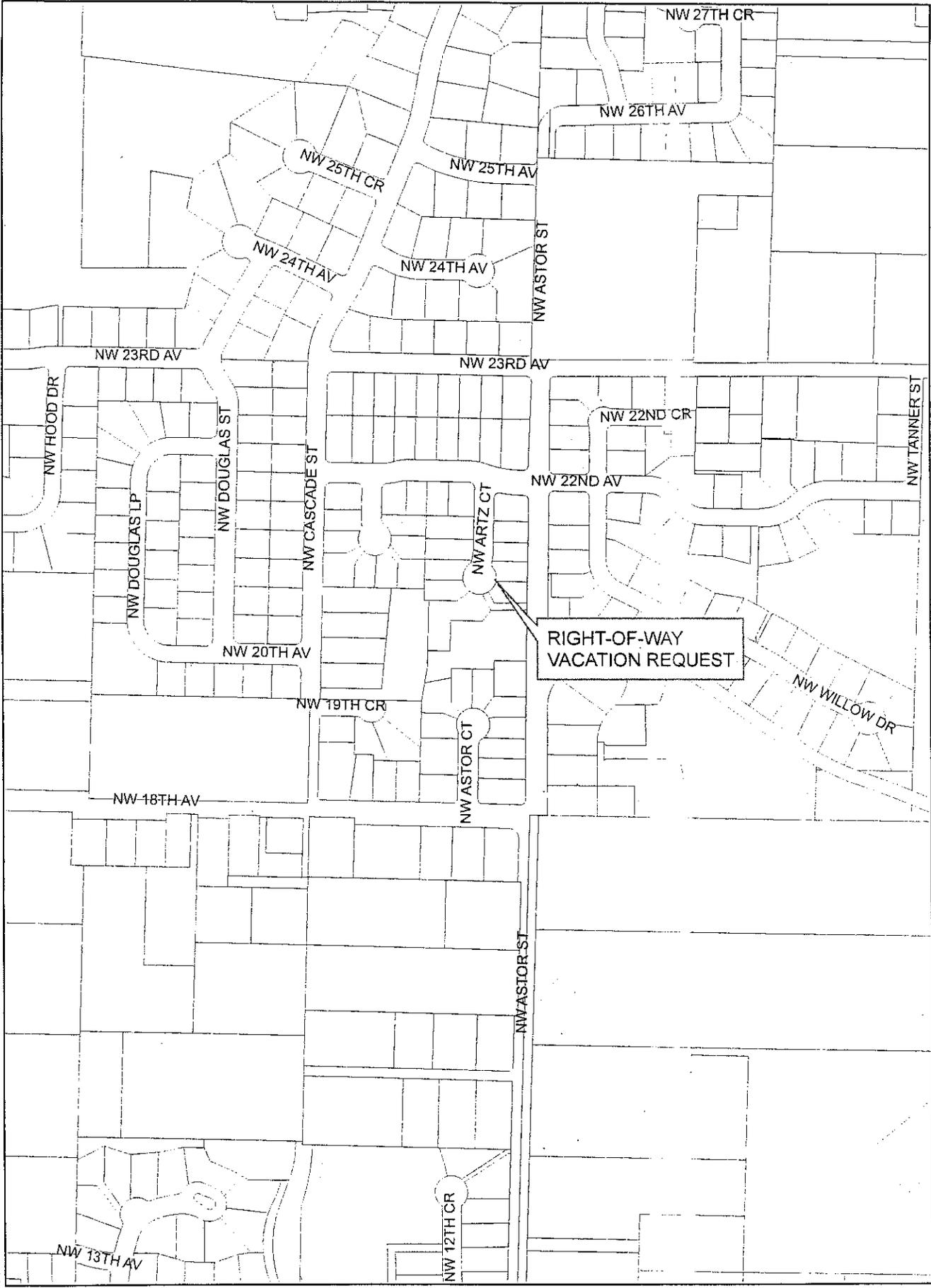
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The basis of bearing for this description is the Plat of Hillshire.

Contains 57 Square feet, more or less.





ARTZVAC 12/12/05



1 inch equals 400 feet

CITY OF CAMAS
NW ARTZ CT
RIGHT-OF-WAY VACATION REQUEST
VICINITY MAP

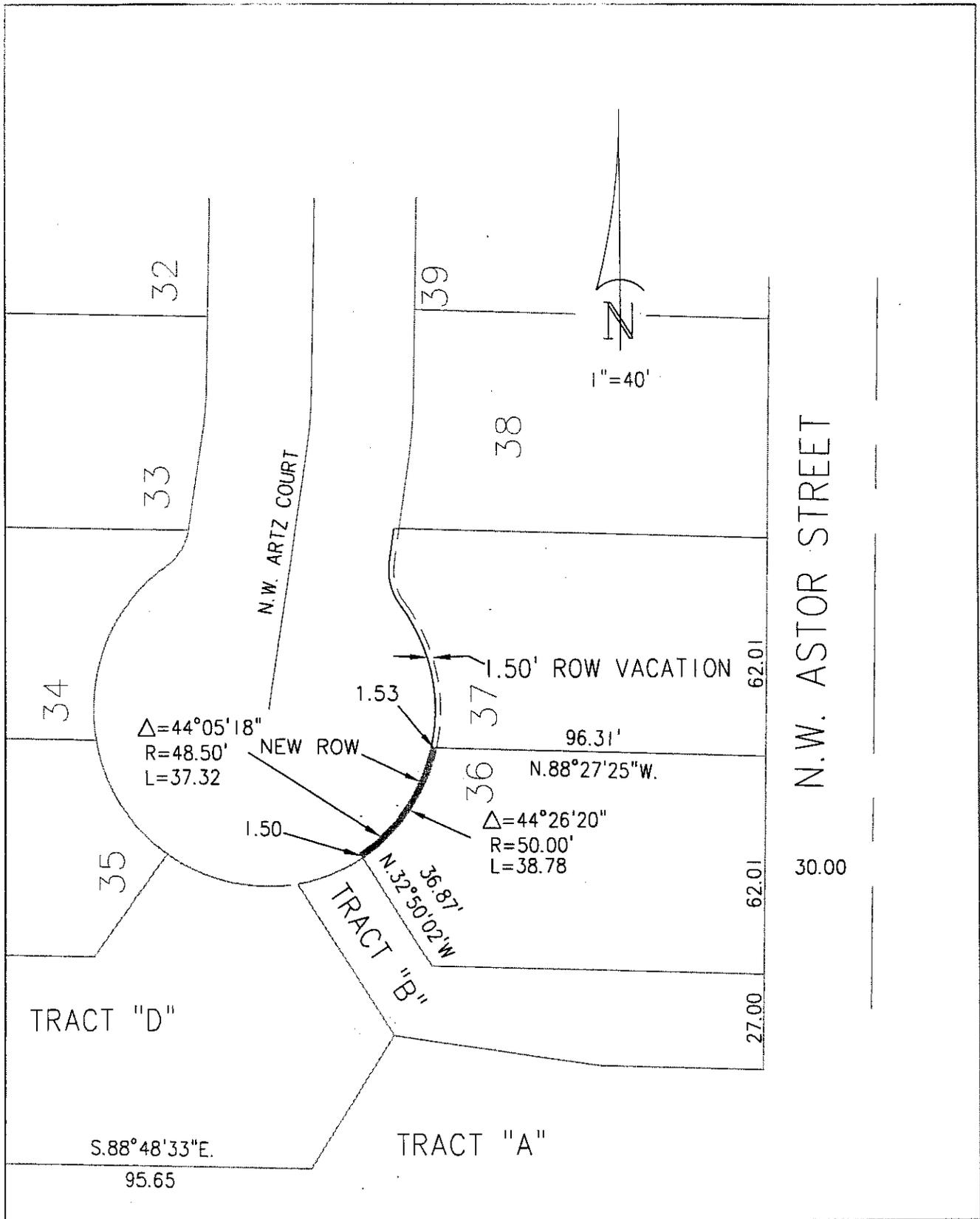


EXHIBIT B
 PLAT OF DESCRIPTION

LOT 36, PLAT OF "HILLSHIRE"
 S.E. 1/4 OF SECTION 4, T.1N., R.3E., W.M.
 CITY OF CAMAS, CLARK COUNTY, WASHINGTON

otak
 incorporated

surveyors
 engineers
 planners

17355 S.W. BOONES FERRY ROAD
 LAKE OSWEGO, OREGON 97035
 (503)635-3618 FAX (503)635-5395



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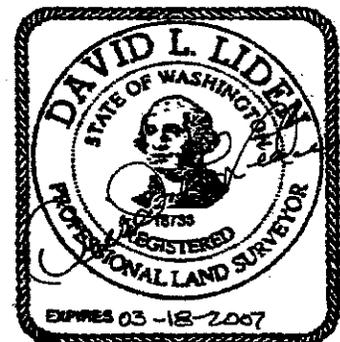
Right of Way Vacation
LOT 37, "HILLSHIRE"
December 08, 2005

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The basis of bearing for this description is the Plat of Hillshire.

Contains 98 square feet, more or less.



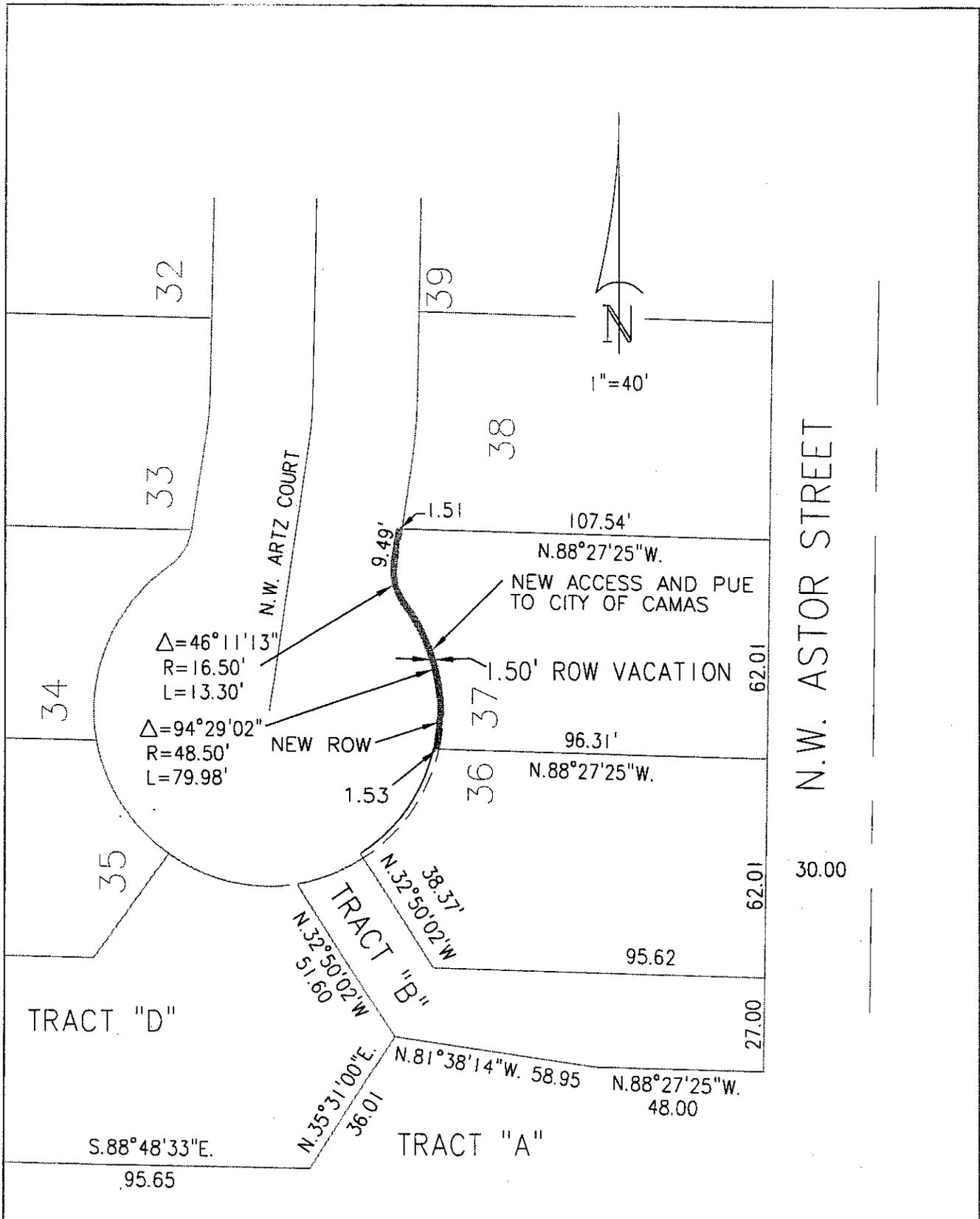


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S.E. 1/4 OF SECTION 4, T.1N., R.3E., W.M.
 CITY OF CAMAS, CLARK COUNTY, WASHINGTON



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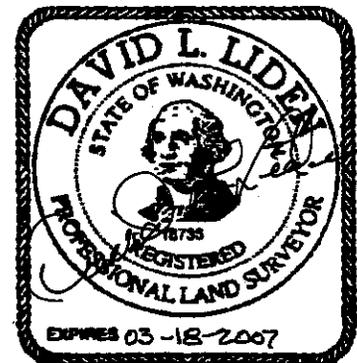
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CITY OF CAMAS

616 Northeast Fourth Avenue

P.O. Box 1055

Camas, Washington 98607

<http://www.ci.camass.wa.us>

STAFF REPORT

NW ARTZ COURT RIGHT-OF-WAY VACATION

FILE NO. VAC 05-01

STAFF REPORT DATE: DECEMBER 13, 2005

PROPOSAL: Vacation of approximately 1.5 feet of right-of-way on NW Artz Court

TO: Paul Dennis, Mayor
City Council

FROM: STAFF

HEARING DATE: December 19, 2005

LOCATION: Lots 36 and 37 of Hillshire Subdivision, NW Artz Court
CAMAS, WASHINGTON

Southeast ¼ of Southeast ¼ of Section 4, Township 1 North, Range 3
East of the Willamette Meridian (WM). Clark County Assessor parcel
numbers 124969-072 & 124969-074

OWNERS: Centex Homes
16520 SW Upper Boones Ferry Rd., Suite 200
Portland, OR 97224

DATES: **Vacation Request Submitted by Owner:** 11/05
Administration, Finance, Fire, Operations, & Police Notified: 11/14/05
Resolution passed to set Public Hearing Date: 11/21/05
Notice of Hearing Published (Post Record): 11/29/05
Notice of Hearing Posted at City Hall, Public Library, and Post Office: 11/28/05
Notice of Hearing Posted at & near Site: 11/29/05

FINDINGS: The owner of the subject parcels has encroached approximately 1.5 feet into the building setbacks with the foundations for lots 36 and 37. The owner asked City staff for advice on potential solutions to a building setback infraction, short of

removing the foundation.

Staff could not recommend a variance request because the situation does not meet the following criterion in CMC 18.45.030(B):

The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use, rights, and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

Staff advised that a right-of-way vacation request could be pursued based on the right-of-way to be vacated being unencumbered with public street, sidewalk, and utilities.

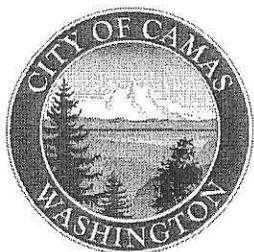
Centex Homes has submitted nearby assessed property values (see attachment.) Staff notes that Centex Homes initially dedicated this right-of-way to the City; therefore, staff advises that Centex Homes pay only for the publishing of the Ordinance.

RECOMMENDATION: Staff recommends adoption of this ordinance.

Hillshire Property Assessment area

Subject Property
2040 NW Artz Ct
2034 NW Artz Ct.

Comparables	Land Information			
	Acres	Sq. Ft	Land Value	\$/sq.ft.
2026 NW Cascade St	0.35	15,246.00	\$52,900	\$3.47
2020 NW Cascade St.	0.34	14,810.40	\$52,900	\$3.57
2002 NW Cascade St.	0.33	14,374.80	\$52,900	\$3.68
1940 NW Cascade St.	0.32	13,939.20	\$51,800	\$3.72
2602 NW 19th Circle	0.25	10,688.00	\$51,300	\$4.80
2640 NW 19th Circle	0.19	8,432.00	\$51,300	\$6.08
2620 NW 19th Circle	0.19	8,268.00	\$51,300	\$6.20
2608 NW 19th Circle	0.25	10,759.00	\$51,300	\$4.77
			Average	\$4.54



MEMORANDUM

TO: Joan Durgin, Finance Director
Lloyd Halverson, Finance Director
Leo Leon, Fire Chief
Don Chaney, Chief of Police
Eric Levison, Operations Manager

FROM: Jim Carothers, Engineering Manager

DATE: 11/14/05

SUBJECT: Right-of-Way Vacation Request (VAC 05-01)

Public Works staff has advised Centex Homes to pursue a right-of-way vacation of a portion of new City street due to an error of encroachment of two building foundation corners into the setbacks. Please understand that this vacation will not in any way change the function of the street, sidewalk, or utilities. Please see the attached vacation request and associated exhibits.

Staff will be presenting a resolution at the November 21st Council meeting for setting a public hearing date for December 19th. Please contact me if you have any questions or comments.

Exhibit A

PETITION- VACATION OF CITY STREET RIGHT-OF-WAY

TO: CITY COUNCIL, CITY OF CAMAS, STATE OF WASHINGTON

The undersigned, tax payers/landowners within the City of Camas, Washington, present this Petition and request that the city right-of-way known as a portion of the NW Artz Court cul de sac bulb be vacated from the point commencing at the northern edge of lot 37, Hillshire subdivision, to the southern edge of lot 36, Hillshire subdivision, for a depth of 1.5 feet along the edge of the right-of-way. The distance of the right-of-way vacation consists of 102.77 feet. The area of the proposed right-of-way vacation is approximately 154.15 square feet.

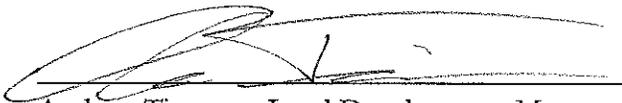
The Petition for vacation of this portion of the NW Artz Court cul de sac bulb is for the vacation of right-of way based on the following:

The right-of-way would be better used under private ownership. The request is being made to eliminate setback violations for the homes under construction on the adjacent lots.

The names and addresses of the abutting property owners whose realty abuts the NW Artz Court right-of-way to be vacated are:

Centex Homes, a Nevada General Partnership, 16520 SW Upper Boones Ferry Road, Suite 200,
Portland, OR 97224

The effect of the abandonment of the property and to the owners thereof will be a minor increase in the areas of lots 36 and 37, along with a slight decrease in the public right-of-way. There are no portions of the public street improvements located within the area to be vacated. A public access and public utility easement will be recorded over the area requested to be vacated.



Andrew Tiemann, Land Development Manager

Centex Homes, a Nevada General Partnership - owner of both lots 36 and 37, Hillshire
16520 SW Upper Boones Ferry Road, Suite 200
Portland, OR 97224

Attachments: Assessor's map of the property, legal description and map of the area to be vacated



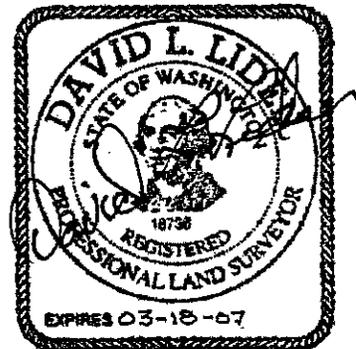
17355 sw boones ferry road • lake oswego, oregon 97035-5217
(503) 635-3618 • fax (503) 635-5395
www.otak.com

EASEMENT DESCRIPTION

Right of Way Vacation
LOT 36, "HILLSHIRE"
November 01, 2005

A strip of land, 1.50 feet in width, situated in the Southeast one-quarter of the Southeast one-quarter of Section 4, Township 1 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington described as follows:

The West 1.50 feet of Lot 36, "Hillshire", a duly recorded Plat filed January 24, 2005 in Book 311, Page 229 of Plats of said Clark County; said strip being further described as being that 1.50 foot strip abutting N.W. Artz Court.





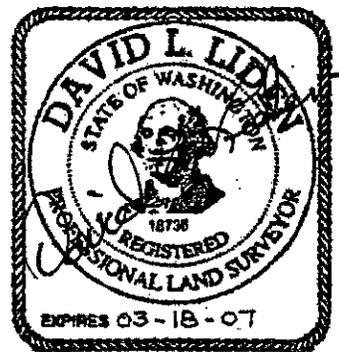
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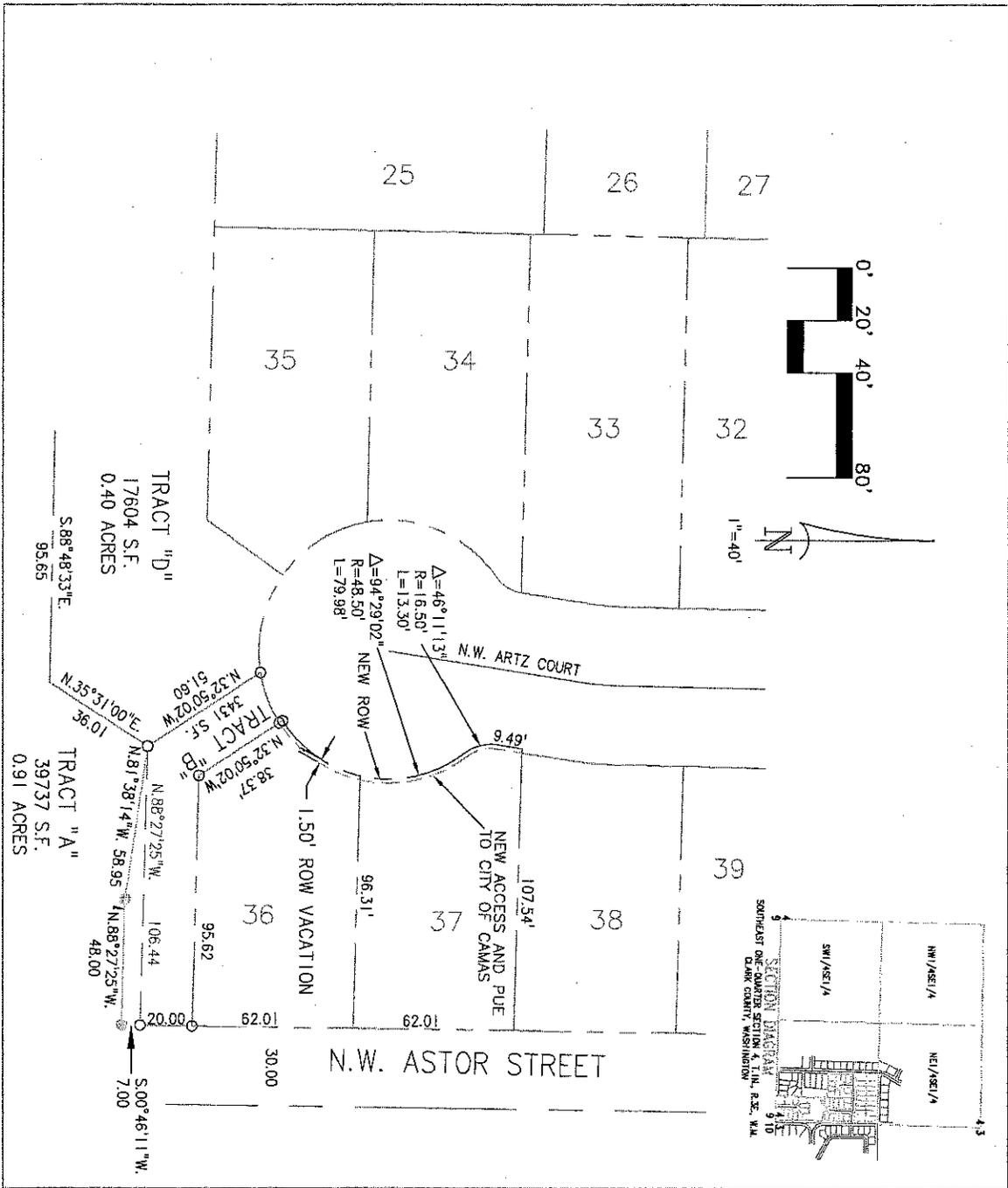
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<p> otak <small>OTAK ENGINEERING & ARCHITECTURE</small> <small>1700 N. 10TH STREET, SUITE 200, CAMAS, WA 98607</small> <small>TEL: 360.833.8888 FAX: 360.833.8889</small> <small>WWW.OTAKENGINEERING.COM</small> </p>	<p> FOR: CENTEX HOMES </p>								
<p> LOTS 36 AND 37 ROW VACATION <small>IN THE SE 1/4 OF THE SE 1/4 OF SECTION 4, T.1N., R.3E., W.M.</small> <small>CITY OF CAMAS, CLARK COUNTY WASHINGTON</small> </p>	<table border="1"> <tr> <td>Calculated</td> <td>Date</td> </tr> <tr> <td>Drawn</td> <td>Date</td> </tr> <tr> <td>Checked</td> <td>Date</td> </tr> <tr> <td colspan="2" style="text-align: center;">EXCISORIS</td> </tr> </table>	Calculated	Date	Drawn	Date	Checked	Date	EXCISORIS	
Calculated	Date								
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EXCISORIS									
<p> Sheet No. 1 OF 1 Project No. 12279 </p>									



CITY OF CAMAS

616 Northeast Fourth Avenue
P.O. Box 1055
Camas, Washington 98607
<http://www.ci.camass.wa.us>

December 30, 2005

Clark County Assessor
PO Box 5000
Vancouver, WA 98666-5000

RE: Street Vacation

I have enclosed a true and accurate copy of Ordinance 2433, which vacated portions of NW Artz Court, and was passed by the Camas City Council on December 19, 2005. This copy is for your records.

If you need more information regarding the above street vacations, please call me at (360) 834-2462.

Sincerely,

Joan M. Durgin
Finance Director



CITY OF CAMAS

616 Northeast Fourth Avenue
P.O. Box 1055
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STAFF REPORT

NW ARTZ COURT RIGHT-OF-WAY VACATION

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STAFF REPORT DATE: DECEMBER 13, 2005

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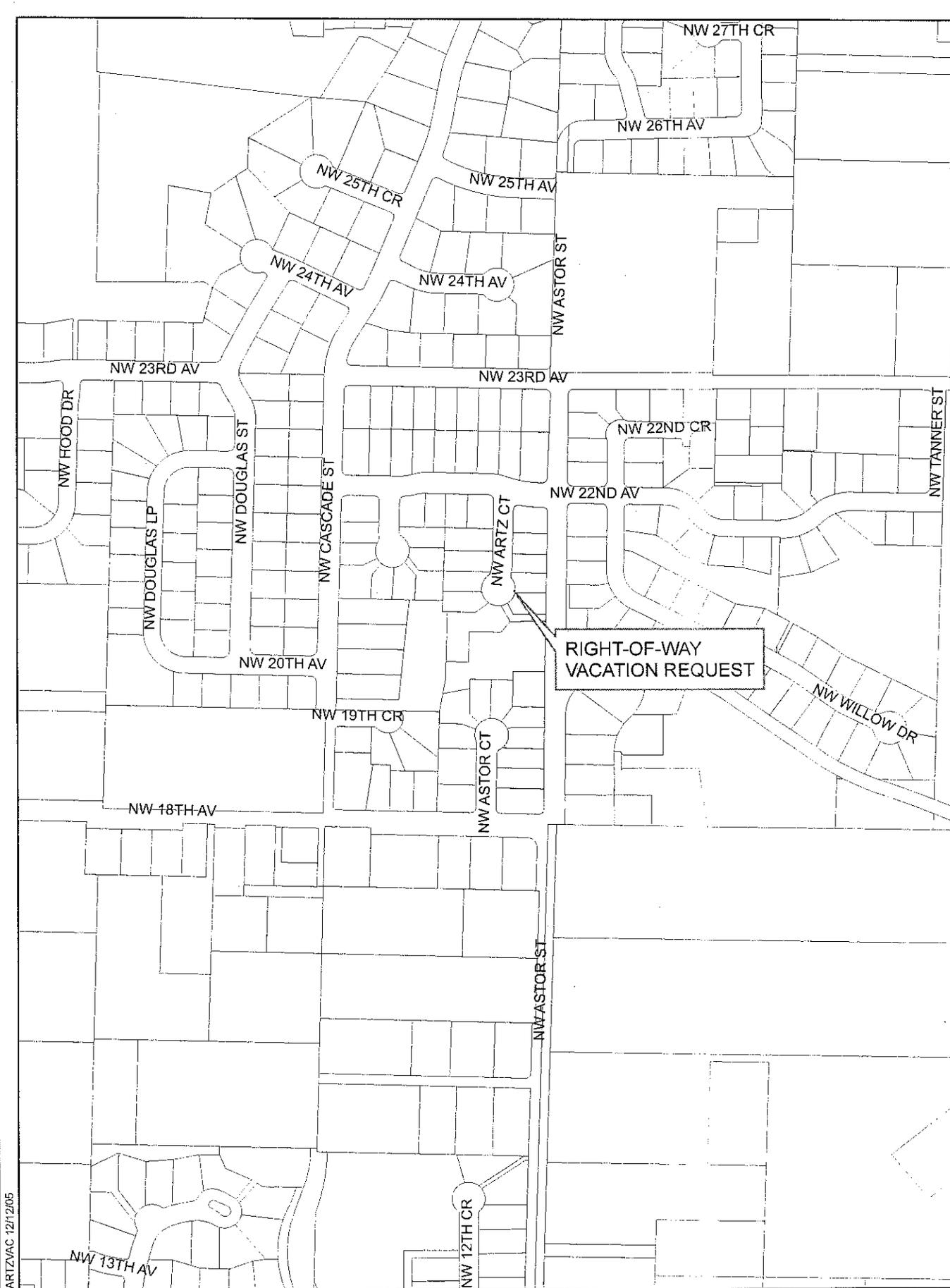
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RIGHT-OF-WAY
VACATION REQUEST

ARTZVAC 12/12/05



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CITY OF CAMAS
NW ARTZ CT
RIGHT-OF-WAY VACATION REQUEST
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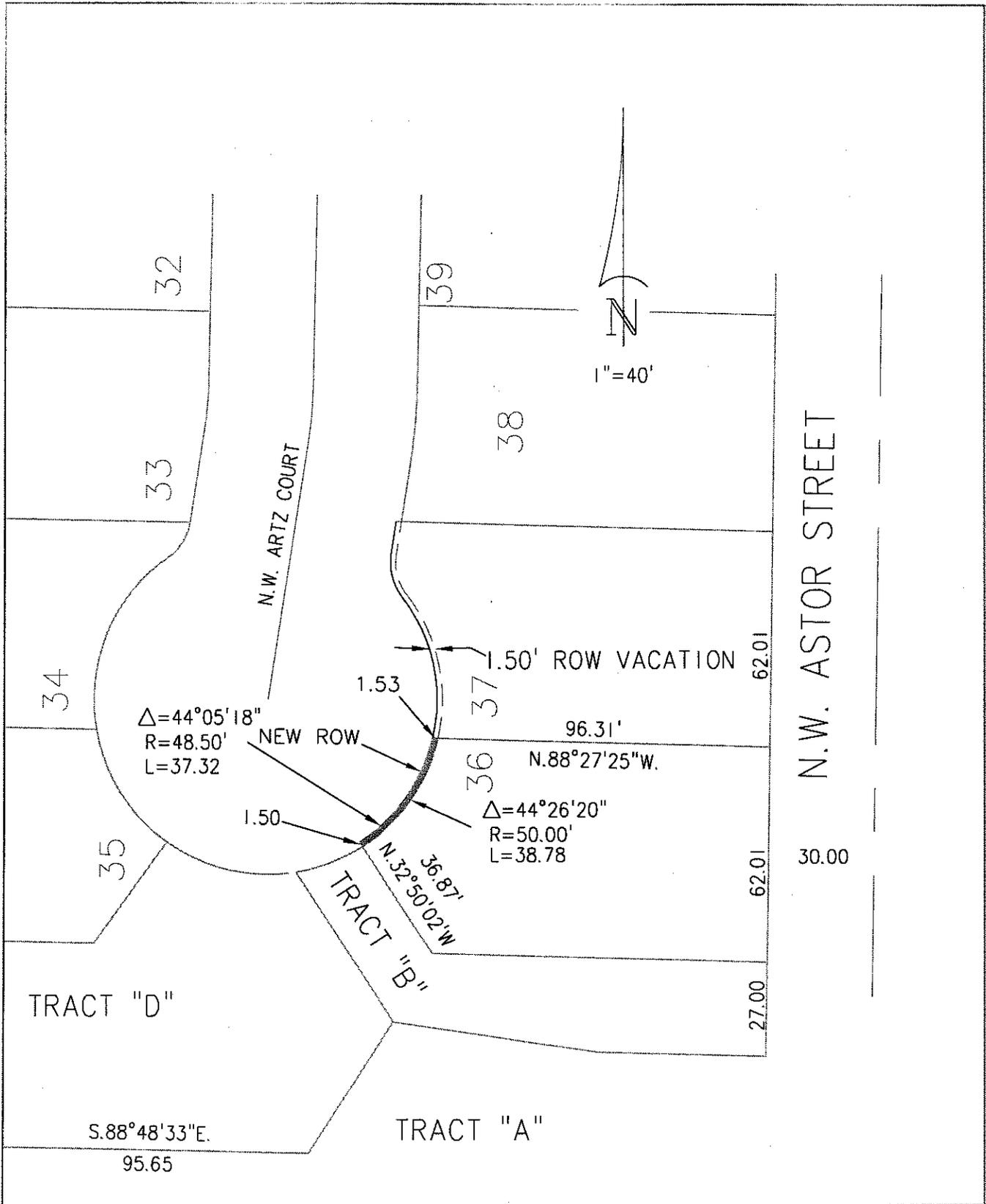


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 S.E. 1/4 OF SECTION 4, T.1N., R.3E., W.M.
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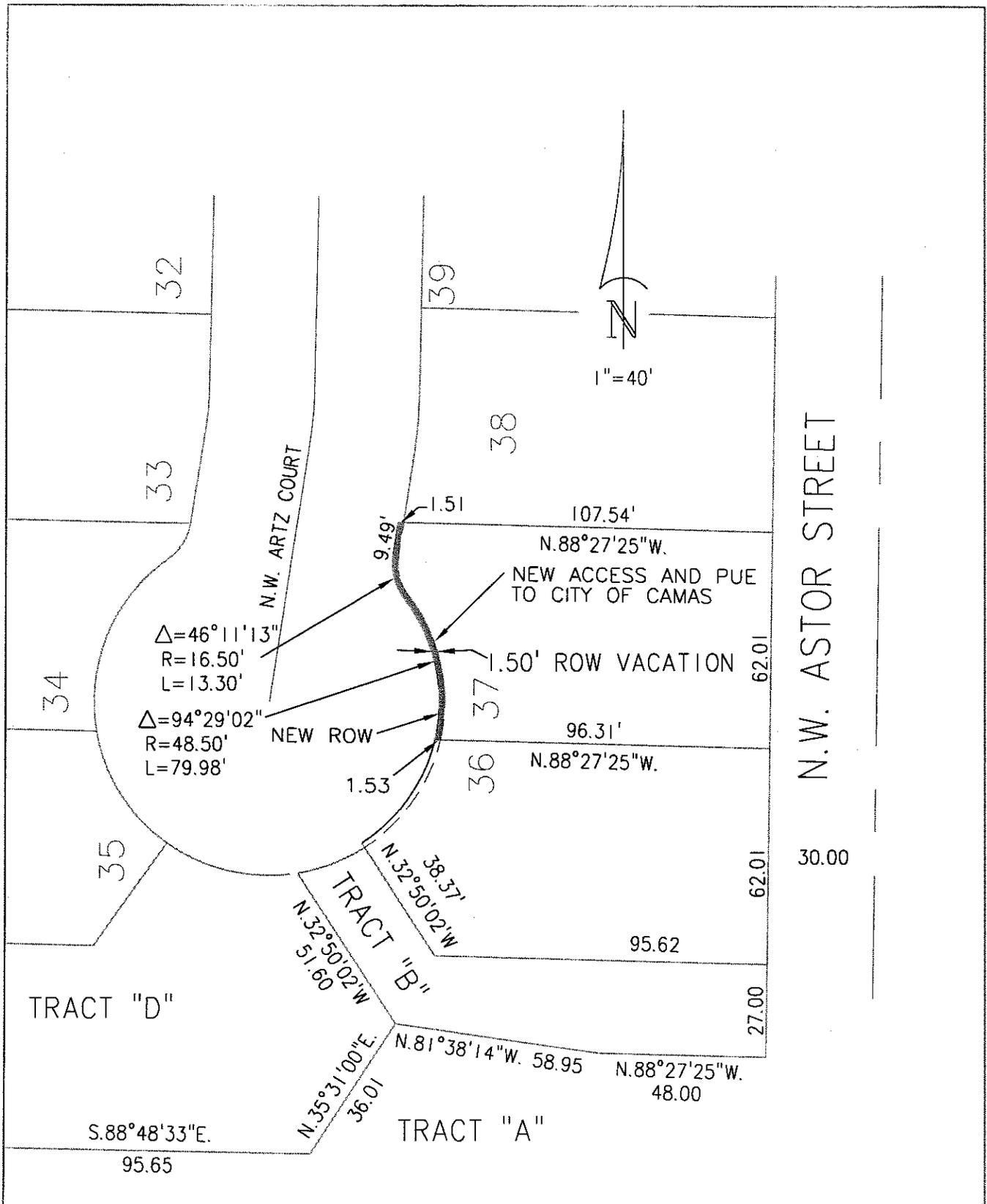


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