

AGENDA BILL
#08-08-28

For Council: August 11, 2008

Department: Administration

Subject: Resolution Disclaiming
a parcel of land at the north end of 13th Street
(south of I-205) for public street purposes

City Manager's Initials:

Attachments:
Draft Resolution

Budget Impact: None

Expenditures	Amount	Appropriation
Required \$ -0-	Budgeted \$ -0-	Needed \$ -0-

Summary:

The property owner at the north end of 13th Street, south of I-205, has been attempting to vacate part of the excess street right of way in this location. Upon research, the owner has found that the City owns this street outright, based upon a grant from ODOT in 1974, "only so long as used for public road purposes." If the City does not use the parcel for such purposes, ownership reverts to ODOT. Therefore, a street vacation is not the appropriate action, but rather the City should adopt a resolution declaring that the excess street right of way is no longer being used for public street purposes. The parcel, totaling about 4,000 square feet, would then revert to ODOT ownership. ODOT has indicated that they will then sell the parcel as "excess property" to the adjacent owner. The City would retain ownership of that portion of 13th Street necessary to provide a proper cul-de-sac at its northern terminus at I-205, as shown on the attached map.

Recommended Action:

Adopt the attached resolution declaring that the parcel described in the relevant legal description is no longer used for public street purposes by the City.

Council Action Taken:

Approved:

Denied:

Continued:

Resolution No. 08-__
West Linn, Oregon

**A RESOLUTION THAT A PORTION OF 13TH STREET IS NO LONGER USED
FOR PUBLIC STREET PURPOSES**

WHEREAS, on May 2, 1974, the State of Oregon, by and through its Department of Transportation, Highway Division ("ODOT"), in that certain Relinquishment of Title conveyed certain real property to the City of West Linn ("City") "only so long as used for public road purposes;"

WHEREAS, the City has included a portion of the conveyed property ("Excess Right-of-Way") within the public right-of-way commonly known as 13th Street;

WHEREAS, the Excess Right-of-Way is not currently paved and is not being utilized as right-of-way by vehicles or pedestrians;

WHEREAS, the City Council hereby determines that the Excess Right-of-Way is no longer being used for public road purposes by the City and that the City hereby releases any right, title, or interest it has in the Excess Right-of-Way;

WHEREAS, the City Council acknowledges that the effect of this determination is that title to the Excess Right-of-Way will revert back to ODOT;

WHEREAS, the City Council determines that after the reversion of the Excess Right-of-Way to ODOT, there will continue to be adequate existing right-of-way in 13th Street to serve the projected needs of vehicles and pedestrians;

**NOW, THEREFORE, BE IT RESOLVED BY THE WEST LINN CITY
COUNCIL THAT:**

Section 1: A portion of the public right-of-way commonly known as 13th Street and depicted and described in the attached Exhibit "A" is no longer used for public street purposes by the City.

Section 2: The effect of this Resolution is that this property will revert to the State of Oregon, acting by and through its Department of Transportation.

Section 3: This Resolution shall be deemed effective upon adoption and shall be recorded among the Deed Records for Clackamas County, Oregon.

This Resolution adopted by the West Linn City Council this ___ day of _____, 2008.

Norman B. King, Mayor

Attest:

Exhibit "A"

①

Associated Land Surveyors

375 Portland Ave. Gladstone, OR. 97027

Phone: (503) 656-9440

July 31, 2008

Job no. 0726

R/W vacation description; Easterly side of 13th St.

A tract of land in Lot A, Tract 37, "Willamette Tracts" in the City of West Linn, Clackamas County, Oregon being all that portion of Parcel No. 2 acquired by the State of Oregon, by and through its State Highway Commission by Final Judgment in Clackamas County Circuit Court Case No. 68408 recorded March 19, 1969 in Book 188, page 677 lying Easterly of the following described line;

Beginning at the Southwest corner of said Lot A on the East right-of-way line of 13th. Street, 20 feet, when measured at right angles from the center line thereof; thence, N00°03'12"W along said right-of-way line 88.15 feet to the beginning of a tangent curve concave easterly having a radius of 9.00 feet; thence, Northeasterly along the arc of said curve through a central angle of 56°57'01" a distance of 8.95 feet to the beginning of a reverse curve concave Northwesterly, having a radius of 49.00 feet; thence, Northerly along the arc of said curve through a central angle of 91°23'45" a distance of 78.16 feet; thence, S55°30' 05"W a distance of 5.50 feet to the beginning of a non-tangent curve, concave Southwesterly having a radius of 43.50 feet; thence, Northwesterly along the arc of said curve through a central angle of 24°12'19" a distance of 18.37 feet to a point on the before mentioned East right-of-way line of 13th. Street; thence, N00°03'12"W along said line 0.99 feet to the South right-of-way line of Interstate Highway 205 and the terminus of the herein described line.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper

OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976

VALID THRU: 6/30/09

③

Exhibit "A"

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Associated Land Surveyors

375 Portland Ave. Gladstone, OR 97027

Phone: (503) 656-9440

July 31, 2008

Job no. 0726

RAW vacation description; Westerly side of 13th St.

A tract of land in Lot A, Tract 38, "Willamette Tracts" in the City of West Linn, Clackamas County, Oregon being all that portion of Parcel No. 2 conveyed to the State of Oregon by Warranty Deed recorded March 14, 1968 as Fee No. 68-4580 lying Westerly of the following described line;

Commencing at the Southeast corner of said Lot A on the West right-of-way line of 13th. Street, 20 feet, when measured at right angles from the center line thereof; thence, S87°43'42"W along the South line of said Lot A a distance of 3.00 feet to the point of beginning of the herein described line; thence N00°03'12"W, parallel with said West line of 13th. Street 98.11 feet to the beginning of a tangent curve concave Westerly having a radius of 20.00 feet; thence, Northwesterly along the arc of said curve through a central angle of 45°53'31" a distance of 16.02 feet to the beginning of a reverse curve concave Northeasterly, having a radius of 38.00 feet; thence, Northerly along the arc of said curve through a central angle of 108°41'36" a distance of 72.09 feet; thence, N27°15' 07"W a distance of 5.50 feet to the beginning of a non-tangent curve, concave Southeasterly having a radius of 43.50 feet; thence, Northeasterly along the arc of said curve through a central angle of 3°39'54" a distance of 2.78 feet to a point on the before mentioned West right-of-way line of 13th. Street; thence, N00°03'12"W along said line to the South right-of-way line of Interstate Highway 205 and the terminus of the herein described line.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
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1976

VALID THRU: 6/30/09

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1" = 40'

INTERSTATE 205

REVERTS TO
ODOT CONTROL

REVERTS TO
ODOT CONTROL
26 S.F.
33 S.F.

1,790 S.F.

13TH STREET

ADDRESS: 2008 13th STREET
PARCEL: 2S-1E-35CC TL 3800
ZONING: R-10

ADDRESS: 2011 13th STREET
PARCEL: 2S-1E-35C TL 1500
ZONING: R-10

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