



CITY OF  
**West Linn**

## **Memorandum**

Date: September 30, 2008  
To: Chris Jordan, City Manager  
From: Tom Soppe, Associate Planner  
Subject: CORRECTION- Lorinda Lane/Court Vacation

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### **PURPOSE:**

This item consists of a proposed ordinance that corrects a previously approved ordinance (approved September 8, 2008, no ordinance number has been assigned at this time) which vacated Lorinda Court and the adjacent upper portion of Lorinda Lane. The street vacation was city-initiated.

### **DISCUSSION:**

The adopted ordinance language declared the street to be “vacated, while retaining a public utility easement for public sanitary sewer and water infrastructure, for the length of the vacated right of way.” However, it is a postulate of property law that a property owner cannot grant an easement to itself- in this type of situation the property owner must transfer property and “reserve” an easement as an integral part of the transfer.

Staff investigated whether this error could be corrected administratively, but because it is an ordinance and involves a property transfer, adoption of corrected ordinance is necessary to dispel any possible “cloud” on the property in the future.

### **OPTIONS:**

None. The substantive reasons for the Street vacation remain unchanged.

### **RECOMMENDATION:**

Adopt the attached ordinance.

