

ORDINANCE NO. _____

AN ORDINANCE VACATING LORINDA LANE AND LORINDA COURT RIGHT OF WAY WITHIN THE CITY OF WEST LINN, OREGON.

WHEREAS, the West Linn City Council, on June 23, 2008, accepted a street vacation application from the City of West Linn, pursuant to Oregon Revised Statutes 271.080, to vacate the entire public right of way for Lorinda Lane and Lorinda Court in West Linn; and,

WHEREAS, the City published notice of the proposed street vacation in the West Linn Tidings on August 28 and September 3, 2008, City staff posted a copy of the notice with all required information at three conspicuous places at the ends of the proposed vacation areas; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on September 8, 2008; and,

WHEREAS, the City as applicant is not required to obtain consent from all abutting property owners or the consent of more than 2/3 of the affected area as defined by Oregon Revised Statutes, per ORS 271; and,

WHEREAS, the public interest will not be prejudiced by the vacation because the right of way to be vacated was never intended to be public right of way, is separated from other public right of way by a private street, is not built to City standards, and is not legally accessible by the City; and,

WHEREAS, the portions requested for vacation include public sanitary sewer and water utilities; and,

WHEREAS, the City desires to retain access to the public utility infrastructure to perform periodic maintenance and repair;

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

Section 1. The portion of a public street in the City of West Linn, Clackamas County, Oregon, described on Exhibit "A" and mapped on Exhibit "B" is hereby declared 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.

PASSED AND APPROVED THIS _____ DAY OF OCTOBER, 2008.

NORMAN B. KING, MAYOR

ATTEST:

Witness

APPROVED AS TO FORM:

City Attorney

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